### REPORTER'S RECORD VOLUME 16 of

TRIAL COURT CAUSE NO. 48,950-D

THE	STATE	OF	TEXAS	)	IN	THE	320TH	DISTRICT	COURT
vs.				) ) )	IN	AND	FOR		
TRAV	/IS TR	EVIN	O RUNNELS	)	POT	TTER	COUNTY	, TEXAS	

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TRIAL ON THE MERITS

OCTOBER 27, 2005

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COURT OF CRIMINAL APPEALS
MAY 0 2 2005

Louise Pearson, Clerk

On the 27th day of October, 2005, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Don Emerson, Judge Presiding, held in Amarillo, Potter County, Texas:

Proceedings reported by Machine Shorthand.

ORIGINAL

#### A-P-P-E-A-R-A-N-C-E-S:

FOR THE STATE:

MR. JAMES ALLEN YONTZ

SBOT: 24044106 MR. RANDALL C. SIMS SBOT: 18426650

MR. JOHN L. "JACK" OWEN

SBOT: 15369200

47th District Attorney's Office

501 Fillmore, Suite 5-A Amarillo, Texas 79101

FOR THE DEFENDANT:

MR. JAMES D. DURHAM SBOT: 06284000 Attorney at Law

1008 W. 10th

Amarillo, Texas 79101

MS. LAURA D. HAMILTON

SBOT: 20016450 Attorney at Law

215 W. 7th

Amarillo, Texas 79101

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vs	. TRAVIS TREVINO RUNNELS		OCTOBER 27, 200	<b>)</b> 5
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1	PROCEEDINGS	1	A. It was approximately around 7:00, there was a call	
2		l	on the radio saying that they needed medical to the boot	
3	THE COURT: Okay. Bring the jury in.	i	factory. So me and a coworker grabbed a gurney and we headed	
4	(Open court, defendant and jury present)	!	to the front door. And at that time is when we met Officer	
5		1	Wiley at the front door of the infirmary.	
6		6	Q. Okay. Did you know the nature of the call you were	
1	that, the State would move State's Exhibit 50 into evidence.		responding to?	
8		8	A. Not exactly, they just said someone had been cut in	
	MR. DURHAM: Which one?	_	the boot factory.	
9 10	MR. YONTZ: The one that's been used and marked	l	Q. And you indicated that you met him at the front	
	by the inmates.		door. Would that be the front door of the infirmary?	
11	MR. DURHAM: That's an incorrect statement.	12	A. Right.	
	The inmates did not mark it, the district attorney marked it.	13	Q. Are you familiar with the layout of the	
		l	penitentiary?	
1		15	A. Yes.	
15	THE COURT: Do you have any objection to its	16	Q. About how far is the infirmary from the boot	
	introduction?		factory?	
17	MR. DURHAM: No, I just wanted to correct the	18	A. Oh, I would say almost a quarter of a mile. It's	
1	incorrect statement.			
19	THE COURT: Okay. The exhibit is received.	20	quite a ways.  Q. When you met them at the front door, was it just	
20	MR. YONTZ: Your Honor, the State would call	•	Mr. Wiley who was there or were other people with him?	
21	Patty Wilkins excuse me, Watkins.	22	A. There was another officer with him.	
22	THE COURT: Have you been sworn as a witness,	23	Q. Okay. And what did you see when you opened the	
	ma'am? MS. WILKINS: No.	l	front door?	
24		25	A. It was Officer Wiley with a coat wrapped around his	
25		23		
1.	Page 4	1	Page neck.	· O
1	(Witness sworn) THE COURT: All right. If you would take a	2	Q. Okay. Did you were you able to observe anything	
2	_ •	3	about his physical condition at that time?	
3	seat right up here on the witness stand.  PATTY WILKINS,	4	A. He was really pale, and at that time, no, just	
4	having been first duly sworn, testified as follows:	'	just the coat, and he was real pale.	
1	DIRECT EXAMINATION	6	Q. What did you do?	
6		7	A. We escorted him to the emergency room and we sat him	
7	BY MR. YONTZ:  Q. Would you state your name, please?	8		
8	A. Patty Wilkins.	9	Q. Did you begin care at that time?	
9	Q. Ms. Wilkins, could you pull that microphone, just	10	A. Well, we took they removed the coat off and we	
10	reach up and grab it and pull it towards you? There you go.	11		
		12	MR. DURHAM: Excuse me, Your Honor. The	
12	,	13	characterization, "we moved the coat," "they removed the	
13	Unit.		coat," "we," if she could testify to what she did personally	
1		15		
15 16			cross-examination purposes.	
17	Q. Calling your attention back to the 29th day of	17	THE COURT: Testify only from your personal	
	January, 2003, where were you working that morning?	18		
19	A. In the front clinic.	19	THE WITNESS: Okay.	
		20	Q. (BY MR. YONTZ) Were other people with you assisting	
20	A. I said I was working in the clinic area.	21	at this time?	
21 22		22	A. Yes.	
23	A. Yes, it did.	23	Q. Were you acting as a team?	
	Q. Can you explain to the ladies and gentlemen what	24		
24	occurred?	25		
25	18 1 1111 11 1 1 1 1		and the second s	

Page 9 Page 7 MR. DURHAM: I'll withdraw the objection. 1 1 coat. Who was involved with removing the coat? 2 THE COURT: Okay. A. It was me and another nurse. O. (BY MR. YONTZ) Was emergency help summoned? 3 Q. Okay. And when you removed the coat, what did you 4 A. Yes. A lot of people showed up in the ER. 4 see? Q. Okay. And at that time, what treatment were you A. A cut from here to here on his neck. (Indicating) 5 Q. Let the record reflect she's indicated across her 6 involved in providing to Mr. Wiley? 7 neck from left to right, almost from under the right ear -- or 7 A. I had started an IV in his left arm. 8 under the left ear to under the right ear. Q. And did he indicate any other problems he was having 9 other than the blood that you observed? MR. DURHAM: That's an incorrect statement. 10 A. Yeah, he had wrote a note that said --10 That's totally incorrect. He said from the left ear to the 11 Q. I'm sorry? 11 right ear and that's not consistent with the autopsy or what A. He had wrote a note. We couldn't understand him 12 12 she just said or indicated. 13 because he couldn't talk. He was trying to lip that he MR. YONTZ: It indicated her pointing on her 13 14 couldn't breathe because he had blood in his lungs. 14 neck. If Mr. Durham wishes to cross-examine her, he can do Q. Were you able to maintain the IVs? 15 15 so. A. No. We had -- I had to end up restarting another 16 THE COURT: Where did you point, ma'am? 16 17 one in his left arm because he was jerking his arm back and THE WITNESS: It was a large cut just right --17 THE COURT: Okay. Can you describe that for us 18 forth. 18 Q. Did he eventually leave the facility there? 19 in words? Where did the cut begin and where did it end? 19 A. Yes, he did. 20 THE WITNESS: It was somewhere around here. 20 21 O. How did he leave? THE COURT: No, "here", we can't put down into 21 22 A. He left -- he was intubated and unconscious at the 22 writing, see. That's what we're talking about. So that 23 time. 23 everybody will know, where do you think it began? Q. When you say "intubated," what do you mean? 24 THE WITNESS: Probably from ear to -- it was 24 25 A. We had to put a breathing tube down the cut in his 25 from ear to ear. Page 10 Page 8 1 neck. The laceration, you could -- we had to tube him that 1 THE COURT: Okay. 2 way so we could breathe for him. THE WITNESS: Is that better? 2 3 Q. Okay. THE COURT: Okay. That's fine. 3 MR. YONTZ: I have no other questions. 4 O. (BY MR. YONTZ) Did you make any phone calls or MR. DURHAM: No questions. 5 5 request any phone calls be made? THE COURT: Okay, you can step down, ma'am. 6 6 A. I did not. 7 Call your next witness. O. Okay. Were any phone calls made for additional 7 MR. YONTZ: Cynthia Luna. 8 8 help? THE COURT: Would you raise your right hand, 9 MR. DURHAM: Objection, unless --10 please, ma'am. 10 A. Yes. MR. DURHAM: She did not make them, how would 11 (Witness sworn) 11 CYNTHIA LUNA, 12 12 she know? 13 having been first duly sworn, testified as follows: MR. YONTZ: She can have knowledge of what 13 DIRECT EXAMINATION 14 14 other people did in an emergency treatment. MR. DURHAM: That they made a phone call. What 15 BY MR. YONTZ: 15 Q. Ma'am, would you state your name, please? 16 16 the conversation was would be hearsay. A. My name is Cynthia Luna. THE COURT: That question did not ask for the 17 17 Q. How are you employed? 18 18 substance of the conversation, if there was one. A. I'm a Registered Nurse for the Bill Clements Unit. 19 MR. DURHAM: It asked -- it asked specifically, 19 Q. Calling your attention back to the 29th day of 20 20 was information requested. 21 January, 2003, were you working that morning? THE COURT: Read it back, please. 21 22 A. Yes, I was. MR. DURHAM: Withdrawn, withdrawn. 22 Q. What time did you start work? 23 THE COURT: Read it back, please. 23 24 A. 6:30. Okay. We can't find any glasses, so you can't 24 Q. When you get to work at the unit, are there doctors 25 25 read anything back.

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VS.	. TRAVIS TREVINO RUNNELS		oetober 27, 2005
	Page 11		Page 13
1	on duty also?	1	Q. How did you do that?
2	and the state of t	2	A. With an ambu bag.
3		3	Q. What's an ambu bag?
4	1 1 1 0 20 10 00	4	A. It's a bag you squeeze so that you can press oxygen
5		5	into the lungs.
		6	Q. What else did you do in regard to his care?
7	A. They called for medical, and we had an emergency	7	A. Mainly just talked to him and tried to keep him calm
8		8	until he became unconscious.
9	Q. Did you respond to that?	9	Q. Was he transported from the ER?
10		10	A. Yes, he was.
11	Q. And how far did you respond?	11	Q. And how was he transported?
12	1 TD	12	A. By ambulance.
13	and the second s	13	MR. YONTZ: I have no further questions, Your
	didn't go to where it was located?	l	Honor.
15		15	MR. DURHAM: No questions.
1	0 1 1 1 C	16	THE COURT: Okay, you can step down, ma'am.
16	50.6	17	Call your next witness.
17	1 DD 1 111 0	18	MR. YONTZ: Call Mr. Calvin Askins.
18		19	THE COURT: Would you raise your right hand,
19			please, sir?
20 21	A. Yes.	21	(Witness sworn)
22		22	THE COURT: All right. Take a seat on the
1			witness stand, please.
23		24	, F
24 25		25	
123		-	Page 14
1	Page 12	١,	CALVIN ASKINS,
1		1	having been first duly sworn, testified as follows:
2		3	DIRECT EXAMINATION
3	•	4	BY MR. YONTZ:
4		5	Q. Mr. Askins, could you pull that microphone just back
5			towards you just a little bit there? There we go.
	fluid because we couldn't get it to run fast enough by	7	Would you state your name, please, sir?
	gravity, so we started pumping fluid.  Q. How does the IV cuff assist in pumping fluid?	8	A. Calvin Askins.
8		9	Q. How are you employed, sir?
9		10	
10 11	m C.1 11-1-11-4 We strong	11	Q. And what facility, what location?
12		12	
13		13	
14		14	
15	the state of the s	15	Q. And you indicated Texas Department of Criminal
16			Justice. Was that previously known by another name?
17		17	
		18	original name. It is now changed to Institutional Division.
	₹	1,0	Q. Was it formerly known as Texas Department of
18	down into the windpipe?	19	
18 19		20	Corrections?
18 19 20	A. Under normal situations, yes.		A. Yes.
18 19 20 21	<ul><li>A. Under normal situations, yes.</li><li>Q. Was something different done this time?</li></ul>	20	<ul><li>A. Yes.</li><li>Q. When did that change come about?</li></ul>
18 19 20 21 22	A. Under normal situations, yes. Q. Was something different done this time?	20 21	<ul><li>A. Yes.</li><li>Q. When did that change come about?</li><li>A. Approximately about two, two and a half years ago.</li></ul>
18 19 20 21 22	A. Under normal situations, yes. Q. Was something different done this time? A. Yes. We had to intubate through the wound directly into the trach.	20 21 22 23 24	<ul><li>A. Yes.</li><li>Q. When did that change come about?</li><li>A. Approximately about two, two and a half years ago.</li></ul>

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- 1 A. I'm an inventory coordinator.
- 2 Q. What do you do in that regard?
- 3 A. I see over all the property, all the way from
- 4 ammunition, all the way to computers, printers, anything that
- 5 the facility needs to operate.
- 6 Q. Calling your attention back to January 29th, 2003,
- 7 what did you do then?
- 8 A. I was an industrial specialist in the boot factory.
- 9 Q. What's an industrial specialist and what did you do?
- 10 A. Supervisor in the warehouse. And my -- my function
- 11 at that time was to interview offenders and assess them and
- 12 assign them job assignments with the direction of the plant
- 13 manager.
- 14 Q. Did you have any individuals or any group of
- 15 individuals who you were specifically over?
- 16 A. I was over the janitors, SSIs, the work pool.
- 17 Q. Okay. I know what a janitor is. What's an SSI?
- 18 A. The same thing as a janitor. They take care of
- 19 cleaning the offices, the restrooms, the plant.
- Q. Okay. Did you know an individual by the name of
- 21 Stanley Wiley?
- 22 A. Yes, I did.
- 23 Q. How did you know him?
- A. He was one of my fellow supervisors.
- 25 Q. How long had you known him?

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22

2

- 1 A. Probably approximately about seven, eight years.
- 2 Q. On January 29th, 2003, do you know what shift he was
- 3 working?
- 4 A. He just got assigned back to first shift. We just
- 5 closed down second shift.
- 6 Q. What time does first shift begin?
- 7 A. Approximately 4:45 in the morning.
- 8 Q. And how long does it last?
- 9 A. To 12:45.
- 10 Q. That day at the boot factory, did you have occasion
- 11 to contact an individual by the name of Travis Runnels?
- 12 A. Yes, I did.
- 13 Q. Is he in the courtroom?
- 14 A. Yes.
- 15 Q. Would you point him out and describe what he's
- 16 wearing, please?
- 17 A. This individual here, gold colored tie, green shirt.
- 18 (Indicating)
- 19 Q. What was the reason for your contacting Mr. Runnels?
- 20 A. Runnels was assigned to me as one of my janitors.
- Q. Okay. Around seven o'clock that morning, did you
- 22 have any additional contact with him other than just as the
- 23 assignment?
- A. Yes. I was doing my tour of the factory, checking
- 25 on all my janitors, be sure they was cleaning up their areas

1 and stuff, and I found Runnels sitting in the boxing area not

- 2 doing his job.
- 3 Q. And what did you do?
- 4 A. I directed Runnels to get up, get a broom, get his
- 5 mop, get his area cleaned up.
- 6 Q. What was his response?
- 7 A. He just stared at me.
- 8 Q. Did he eventually do it?
- 9 A. He eventually got up off the table.
- 10 Q. Did you see what he did after he got up off the
- 11 table?
- 12 A. No.
- 13 Q. After that incident occurred, did something else
- 14 occur in the boot factory that caught your attention?
- 15 A. I don't understand the question.
- 16 Q. Within about a few minutes after you had told
- 17 Mr. Runnels to get up and to move, did something else occur
- 18 that grabbed your attention? Did you see Mr. Wiley?
- 19 A. Yes. After I directed Runnels to go to work, I went
- 20 around the end of the toe lasters and I spoke with Mr. Wiley.
- 21 Q. And where was Mr. Wiley at that time?
  - A. He was standing near the insole table.
- 23 Q. What did you -- how long did that conversation
- 24 between you and Mr. Wiley last?
- A. Maybe two or three minutes.

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Page 17

- 1 Q. And what happened after that?
  - A. I went to the office.
  - 3 Q. Did you see where Mr. Wiley went?
  - 4 A. No.
  - 5 Q. Did you see Mr. Wiley again?
  - 6 A. Approximately maybe two minutes later.
  - 7 O. And had his condition changed?
  - 8 A. Yes.
  - 9 Q. Can you describe to the ladies and gentlemen what
  - 10 you saw when you saw him the next time?
  - 11 A. I was standing looking out the office door,
  - 12 Mr. Wiley was approaching the office with both hands around
  - 13 his neck, and I opened the door, Mr. Wiley stepped in, and we
  - 14 were face to face. I said, "Wiley?" And at that time,
  - 15 Mr. Wiley threw his head back.
  - 16 Q. And what did you see?
  - 17 A. Mr. Wiley had his throat cut. And the only thing
  - 18 that was holding Mr. Wiley's head on was his vertebras.
  - 19 Q. This was in the office area?
  - 20 A. In the office.
  - 21 Q. What did you do once you observed this?
  - 22 A. On the credenza near the door, Mr. Wiley's coat was
  - 23 laying there. I grabbed his coat and slammed it up against
  - 24 his neck.
  - 25 Q. Why did you do that?

Page 21 Page 19 O. Okay. And then you walked over and talked with A. Because he was bleeding profusely. 1 2 Mr. Wiley; is that correct? 2 Q. What did you do then? A. I turned and looked at Mr. Williams and asked him to A. Yes. O. Where did you go and where was this conversation 4 call medical, call B turnout --5 held at? Q. Who is Mr. Williams? A. The conversation was held right in here. 6 6 A. He's plant manager. 7 (Indicating) Q. He would be the guy that was the boss in the -- the Q. And could you just draw a dotted line over to that 8 top boss in the boot shop? 9 area from the "D"? A. Yes, sir. 10 A. (Witness complies) Q. What did you do after you told him to call medical? 10 Q. And then where did you go after you had this 11 A. Wiley -- Mr. Wiley was wanting to leave the factory. 11 12 conversation? 12 I escorted him to the front door to medical. A. I left this area and walked through this way, up to 13 Q. How far is it from the boot factory to medical? 13 14 the office. (Indicating) A. A long ways. I would say approximately between an 14 Q. Okay. And just put an "X" up there where the 15 15 eighth and a quarter of a mile. 16 offices are. Q. Are you familiar with the layout of the boot shop? 16 A. (Witness complies) 17 17 A. Yes, I am. Q. Where did you next see Mr. Wiley? 18 18 MR. YONTZ: May I approach, Your Honor? A. I noticed Mr. Wiley right about here. (Indicating) 19 THE COURT: Sure. 19 O. And did he come into the office? 20 Q. (BY MR. YONTZ) Mr. Askins, I'll show you what has 20 A. He walked directly into this door right there. 21 been marked as State's Exhibit No. 16 for identification, ask 21 22 (Indicating) 22 if you're familiar with this? Q. By the No. 32? 23 A. Yes. 23 MR. DURHAM: Pardon me, I --24 24 Q. What is this? 25 A. By No. 32. A. That's the layout of the boot factory. 25 Page 22 Page 20 MR. DURHAM: -- for the purpose of the record. Q. I'll give you a purple marker to start off with 1 2 Pardon me. For the purpose of the record, "right about here" 2 here. 3 will not appear in the record, and I don't know how it's being MR. DURHAM: I'm going to object to marking on 4 marked on the chart as the back of the chart is to me, and I 4 the exhibit that's been introduced into evidence, Your Honor. 5 can neither acquiesce nor object, as I have no idea what's That alters the exhibit as introduced. 6 going on. THE COURT: Made my chair fall over. 6 THE COURT: Do you want to go stand over there? MR. DURHAM: I'm sorry, I didn't think it was 7 MR. DURHAM: Well, the record will still be --8 8 that good of an objection. the record will still be silent as to what he's doing. MR. YONTZ: What was the objection? 9 THE COURT: Okay. Try to be more specific, 10 THE COURT: Okay. 10 MR. DURHAM: The objection is to marking on the 11 please. 11 MR. DURHAM: May I stand right up here? 12 12 admitted exhibit. MR. YONTZ: There's been no admitted exhibit. THE COURT: Sure. 13 13 14 I indicated it's been marked as Exhibit 16. I've not tendered MR. DURHAM: Thank you. 14 A. Let me clarify that, where the "X" is. 15 15 it. 16 Approximately about 20, 25 feet in front of the office door. THE COURT: Okay. This is not one that has 16 Q. (BY MR. YONTZ) Were both of you then in the area 17 17 been --MR. SIMS: It's not the same exhibit. 18 marked No. 32? 18 A. After opening the door for Mr. Wiley? MR. YONTZ: It's not the same as 50, no. 19 19 Q. Yes. 20 20 THE COURT: Okay. Go ahead. Q. (BY MR. YONTZ) Okay. You indicated earlier that 21 A. Yes. 21 Q. And would you trace again with a polka dotted line 22 22 you observed the defendant in some area and you had a 23 the route you took to exit the boot factory? 23 conversation with him. Would you just put a purple "D" in A. (Witness complies) 24 24 that area? Q. And this is the exit door down here? 25

A. (Witness complies)

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Page 25 Page 23 1 no objection to the exhibits, but the writing should be 1 A. Yes, sir. 2 deleted. MR. YONTZ: Your Honor, at this time, we would 2 MR. YONTZ: We'll cover it before it's 3 3 move State's Exhibit 16. 4 published. We'll cover it. MR. DURHAM: I have no objection. THE COURT: Okay. Well, just take it now. THE COURT: Exhibit is received. 5 MR. DURHAM: Well, it's not -- I don't want it Q. (BY MR. YONTZ) When you exited the boot factory, 6 6 7 admitted until it's covered. 7 where did you go? THE COURT: Black it out. 8 A. We went towards B turnout, towards medical, both of MR. YONTZ: Okay. 9 9 them in the same direction. 10 THE COURT: Use a Marks-A-Lot and redact it. Q. And did you arrive at medical? 10 MR. YONTZ: Let me see what I have here. 11 11 A. Yes. (Open court) 12 O. When you work there, are you working as a civilian 12 13 (Pause) 13 or as a corrections officer? MR. DURHAM: No objection. 14 14 A. Civilian. THE COURT: Exhibit is received. 15 Q. And was Mr. Wiley a civilian or a corrections 15 MR. YONTZ: Thank you. May I publish, Your 16 16 officer? 17 Honor? A. Civilian. 17 THE COURT: Sure. Q. Did you wear any type of uniform or did you wear 18 18 Q. (BY MR. YONTZ) You've seen this, correct? 19 19 civilian clothes? 20 A. Yes. 20 A. Civilian clothes. 21 Q. How long did you stay in the emergency room? Q. When you got to the medical area, the infirmary 21 22 A. Total time? 22 emergency room area, what did you do? 23 Q. Yes, sir. A. I directed the nurses and -- to open the door. And 23 A. Probably a minute and a half, two minutes. 24 once they opened the door, escorted Wiley around the corner to 24 25 Q. Where did you go? 25 the triage room. Page 26 Page 24 A. After I left? Q. Were photographs taken of Mr. Wiley while he was in 1 2 Q. Yes, sir. 2 the triage room? A. I started back towards the boot factory. A. They were probably taken after I left. 3 3 Q. Did you have occasion to see Mr. Wiley as he was in 4 Q. Why was that? A. Because we still had offenders out there and other 5 the triage room? 6 bosses out there. A. Yes. Q. Are you familiar with -- how long have you worked Q. I'll show you what have been marked as State's 8 with the penitentiary system? 8 Exhibit 21, ask if you are familiar with those photographs? 9 A. Almost 12 years. 9 A. Yes. Q. And are you familiar with the term lockdown? Q. And are those true and accurate depictions of what 10 10 A. Yes. 11 11 is shown there as they appeared that day? 12 Q. What is a lockdown? A. Yes. 12 A. A lockdown is all offenders are in their cells, in MR. YONTZ: Your Honor, we would move State's 13 13 14 their cubicles, locked down, no movement. 14 Exhibit 21. Q. Okay. What precipitates a lockdown? 15 MR. DURHAM: I have an objection to them I 15 16 MR. DURHAM: That calls for an interpretation 16 would like to make outside the presence of the jury. 17 of the procedure of the department and he's not been THE COURT: Okay. The jury will step into the 17 18 qualified. 18 jury room, please. THE COURT: Overruled. MR. DURHAM: I think it could be at the bench. 19 19 Q. (BY MR. YONTZ) What precipitates a lockdown? 20 20 It's very short. A. Anything unusual that happens on the farm. 21 THE COURT: Okay. Be seated again. 21 Q. Would this incident precipitate a lockdown? 22 (At the bench, on the record) 22 23 MR. DURHAM: I just don't think that the 23 Q. Are you familiar with the grounds of the 24 writing on the -- on there, he can't identify the writing as 24 25 penitentiary? 25 being true and accurate. If the writing is excised, we have

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Page 29 Page 27 1 A. I did not know at the time what his classification 1 A. Yes. 2 was. O. If a person is in the boot factory, where can you 2 Q. Well, you interviewed him and you didn't find that 3 3 run to hide? A. If you're in the boot factory, if you have no key to 4 out, sir? A. That is not part of my job. 5 5 the door, you're in the boot factory. Q. Okay. What exactly is your job, because it was my 6 Q. Those doors lock --7 understanding -- now, correct me if I'm wrong, okay? It was A. You're going nowhere. Doors are locked. 7 8 my understanding Mr. Wiley was telling Travis what to do on Q. And there's -- it's not a situation where you can 9 that occasion. 9 simply run out into the area? A. No. 10 10 A. No. Q. If a person were to get out into the outside area 11 Q. He was not? 11 12 outside the boot factory, what restrains them from getting out 12 A. No, it was not --Q. He didn't have --13 13 to the highway to escape? A. -- Wiley --14 A. We have fences and razor wire. 14 15 Q. -- the authority to tell him what to do? Q. How high are those fences? 15 A. Yes, he does. 16 A. Guesstimate, 12, 14 foot high. 16 Q. So Travis had more than one master there in the boot 17 O. And you indicated razor wire. What's razor wire? 17 A. It's Constantine wire that has -- it's been 18 factory? 18 A. I think you need to restate your question. 19 19 sharpened to keep somebody from trying to go over the fence. Q. More than one person --MR. YONTZ: No further questions, Your Honor. 20 20 A. What do you mean by master? 21 **CROSS-EXAMINATION** 21 Q. -- could tell him what to do? You're his boss, 22 BY MR. DURHAM: 22 23 right? Q. Do you have guard towers? 23 A. Runnels was assigned to me, yes. 24 A. Do what, sir? 24 25 Q. All right. He wasn't assigned to Mr. Wiley, was he? 25 Q. Are there guard towers? Page 30 Page 28 1 A. No. A. Yes. 1 Q. All right. So you were his boss, correct? 2 2 Q. Are there guards in those towers? 3 A. Correct. A. Yes. 3 Q. And Mr. Wiley was boss over other people, correct? 4 Q. Do they have guns? 5 A. Correct. 5 A. Yes. Q. And where -- where -- from whence does the term boss 6 Q. Do they shoot people who try to climb the fence? 6 7 come into common parlance in the penitentiary? A. Yes. 7 Do you understand the question? 8 8 Q. Okay. So that, too, is a deterrent, isn't it? A. Yes. It's a term that use as your supervisor or 9 A. Yes. 10 anybody in authority. (sic) 10 O. The area is secure, correct? 11 Q. Anybody in authority. Any guard, any civilian, 11 A. Yes. 12 they're all boss? Q. All right. Now, that's all very interesting, but 12 13 what I want to talk to you about is about Travis. I want to A. Yes. 13 Q. And deference is to be paid to that person; is that 14 14 talk about how was he assigned to be a janitor. 15 correct? A. When offenders are assigned to the factory, my job 15 A. Yes. 16 16 was to interview all new offenders coming to the factory. Q. As a matter of fact, as you're in the penitentiary, 17 Q. So you interviewed him? 17 18 you described the layout, there are painted lines in the 18 A. Yes. 19 penitentiary, aren't there, in the halls? Q. You are responsible for him being in there? 19 20 A. Yes. 20 O. All right. And those lines are about how wide Q. Well, who's responsible for him being placed in the 21 21 22 from -- how far are the lines from the wall? 22 factory where there were knives?

A. Three to four feet.

Q. Okay. And between the lines is a wider aisle,

23

24

25 correct?

25 trusted around instruments like that?

Q. So his classification was such that he could be

A. Classification.

23

vs. TRAVIS TREVINO RUNNELS Page 33 Page 31 Q. All right. Thank you. A. Correct. 1 1 Q. Who can walk in the middle of the hall? 2 Now, you didn't know his classification? 2 A. Any TDCJ employee. 3 3 Q. You didn't inquire about his classification? Q. Where do the prisoners have to walk? 4 A. On the other side of the lines next to the walls. 5 A. No. 5 Q. You didn't discuss his classification with O. Next to the wall. So the TDJC (sic) employees, the 6 7 Mr. Williams? 7 bosses can walk where they want to, the employees (sic) have 8 A. No. 8 to walk within the lines, correct? Q. So you don't know whether or not he had a history 9 A. Correct. 10 within the institution for starting trouble, did you? Q. Okay. Now, you interviewed him. When you 10 11 interviewed him, I take it you were given a history of Travis? Q. You didn't know whether or not he was a peaceable 12 A. No. 12 13 person within the institution or not, did you? Q. Well, what did the interview consist of? 13 14 A. The interview consisted of how tall he was, his age, A. No. 14 Q. You didn't know if he got in fights a whole lot or 15 15 date of birth, length of sentence, out -- free world 16 experience, what jobs did he hold in the free world, so we 16 not, did you? 17 A. No. 17 could best determine what job to fit him. Q. You didn't know whether or not he had a real temper, Q. Well, you weren't there to determine what job would 18 19 real bad -- real easy -- hair-trigger temper, I guess would be 19 fit him, you were there --20 the best way to put it. You didn't know that? A. Yes, I determined what job fit him in the factory. Q. In the factory or the janitorial branch? 21 A. No. 21 Q. You made no inquiry into those matters? 22 22 A. In the factory. Q. Oh, you -- you were responsible for determining who 23 A. No. 23 MR. DURHAM: No further questions. 24 24 worked where in the factory? 25 A. The plant manager determines that. 25 Page 34 Page 32 REDIRECT EXAMINATION 1 Q. Well, that's not what you just said. 1 A. Okay. Once I interview them, I talk to 2 BY MR. YONTZ: Q. He was basically sent to you from classification, 3 Mr. Williams, we go over it. He determines by looking at 4 said, "He's going to work in the boot factory and you decide 4 their experience what area in the factory this individual will 5 where" --5 work in. MR. DURHAM: Leading question, Your Honor. Q. So you discussed Travis with Mr. Williams? 6 7 THE COURT: Don't lead the witness. Q. (BY MR. YONTZ) Is it correct that you then decide Q. And y'all reached the conclusion that this was a 9 person who -- who could move around the factory and be a 9 where in the boot factory he fit in? 10 A. Yes. 10 janitor? 11 Q. I take it this wasn't a pre-employment interview A. All offenders that were assigned to the factory 11 12 like we have on -- outside the penitentiary; is that correct? 12 starts in the janitorial pool. Anybody that's missing an MR. DURHAM: Objectionable. Leading question. 13 offender for that day can come to me and say, "I need a 13 THE COURT: Don't lead the witness. 14 worker," and then I assign that worker to that other 14 Q. (BY MR. YONTZ) He was assigned there and that's 15 15 supervisor that day. 16 where he was going to be; is that correct? Q. Okay. That's very interesting, but I don't believe 16 A. Correct. 17 17 that was my question. Q. You indicated Mr. Wiley also had -- although you MR. DURHAM: And even though you don't have 18 19 were over the janitors -- let me see if I can understand this. 19 your glasses, I'm going to ask you to read me the question for 20 Mr. Wiley also had authority over those individuals who were 20 him, please. 21 under your supervision? THE REPORTER: "And y all reached the

22

23

25

A. Yes.

A. Yes.

Q. And would it be Mr. Wiley's job also to make sure

24 the janitors were continuing to do their job?

23 factory and be a janitor?"

A. Yes.

22 conclusion that this was a person who could move around the

Q. (BY MR. DURHAM) It's a yes-or-no question.

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1 Q. Mr. Durham talked about the lines on	- 1	1	Α.	Yes.
2 floors. Why are those lines there?	2			during that time?
3 A. For traffic control.	] 3			At that time, did you ask any questions of
4 Q. What do you mean?			r. W	iley?
5 A. To keep the offenders from mixing in		5		Yes.
6 employees.	6	_		Was he able to talk?
7 Q. Is that a dangerous situation if that or			A.	
8 MR. DURHAM: Calls for a con	1			Was he able to communicate with you?
9 predicate.	9			Yes.
10 THE COURT: Sustained.	10		Q.	How was he able to do that?
11 Q. (BY MR. YONTZ) Are you familiar			-	With his hands, his eyes.
12 environment within the boot factory?	12			And okay. What did you ask him?
13 A. Yes.	13			I asked Wiley, "Who did this to you?"
14 MR. DURHAM: Your Honor, the				And did he respond in any way?
15 employee. I'm going to until he's qualified			_	He pointed towards me.
16 departmental procedures and reasoning behin				Did you understand that immediately?
	u, 1 m going to		-	No.
17 object.  18 THE COURT: That's the line of				What did you do then?
· -	questioning		•	I asked Mr. Wiley, "What are you trying to tell me?"
19 that's begun. Go ahead.				What did he do?
20 MR. DURHAM: I'm sorry, I w	•		•	Then he pointed at me adamantly.
Q. (BY MR. YONTZ) Having worked	inere, have you been 22			Can you describe the manner in which he pointed at
22 able to observe departmental procedures?		2 3 yo	-	Can you describe the manner in which he permed as
23 A. Yes.	_	-		The first time (indicating). And the second time I
Q. And have you had input into those pr				him what it was he was trying to say, he went
A. Those are established procedures.		<i>J</i> 43		and the state of t
	Page 36		1'	Page 38
1 Q. And have you received training in				ting).
2 working in the within the penitentiary	·	2	•	Okay. Were you able to translate that?
3 A. Yes.		3		Yes.
4 Q. Based on your training, knowled	1	4	-	Did you ask him anything after that?  I said, "Okay, Wiley, he works for me?"
5 is it a security matter, or a security cond		5		And did he respond to that?
6 mingling with civilian personnel?	1	6	_	
7 MR. DURHAM: He hasn't l		7		Wiley nodded his head.
8 THE COURT: Sustained.		8	_	In what way?
9 MR, DURHAM: for the q		9		(Witness nods head up and down.)
10 Q. (BY MR. YONTZ) During the t				Did you inquire further?  Before I could ask him another question, Wiley put
11 Mr. Wiley, about from the time you sa				
12 until you got to the emergency room, about	· · · · · · · · · · · · · · · · · · ·			d up to his eye doing this manner. (Indicating)
13 period had elapsed?	1:		_	Did you ask him what that meant?
14 A. I would say not more than three	<b>_</b>			Yes. I said, "Wiley, he wears glasses?"  And did you get a response from Mr. Wiley?
15 Q. And did it appear that Mr. Wiley	1		-	And did you get a response from Mr. Wiley?
16 the effects of what had occurred to him?				Wiley nodded yes.
17 MR. DURHAM: No proper			_	Did you inquire further?
18 question, Your Honor.		8		Yes, I did.
19 THE COURT: Sustained.	1!		-	What did you ask?
20 Q. (BY MR. YONTZ) Did it appea	•	20		I said, "Okay, Wiley, is he white?"
21 still suffering from some wound	2			Did Mr. Wiley respond?
1		1'7	Α	He just sat there and stared at me. Then I asked
22 MR. DURHAM: That's a le				
MR. DURHAM: That's a le THE COURT: Overruled.	2	23 hi	im, "	Okay, Wiley, is he Hispanic?" And he stared at me. And
22 MR. DURHAM: That's a le	ar that he was still 2	23 hi	im, "O nen I	

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1 Q. In what manner did he nod his head?	1 A. It's located we have one in the boot factory and
2 A. (Witness nods head up and down.)	2 we have one in personnel.
3 Q. And you took that as a yes?	3 Q. Okay. So that and your job is described there,
4 A. As a yes.	4 too?
5 Q. Up-and-down motion?	5 A. Correct.
6 How many black janitors did you have working	6 Q. All right. And does it describe your duties?
7 for you that wore glasses?	7 A. No.
8 A. One.	8 Q. Your duties are not described anywhere?
9 Q. Who was that individual?	9 A. No.
10 A. Runnels.	10 Q. And his duties were not described anywhere?
11 Q. The defendant?	11 A. No.
12 A. Yes.	Q. So when you say you're over the janitors, how how
13 MR. YONTZ: No further questions.	13 was it that you were over the janitors if it's not described
14 RECROSS-EXAMINATION	14 anywhere?
15 BY MR. DURHAM:	15 A. Plant manager makes assignments to the supervisors
16 Q. Well, you know, he pled guilty yesterday to this?	16 on what area they will supervise.
17 MR. YONTZ: Objection as to relevance.	Q. So you were assigned by the plant manager the
18 THE COURT: Overruled.	18 janitors?
	19 A. Yes, sir.
	20 Q. What was Mr. Wiley assigned by Mr. Williams?
20 A. As of this morning, yes. 21 Q. You didn't know it before this morning?	21 A. Lasting area.
1	22 Q. Pardon?
A. No, sir, Q. Okay. You brought up an interesting question that I	23 A. Lasting area.
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Q. A totally different area of the plant
24 probably should have asked you a moment ago. In the 25 procedures they have out there, do they have job descriptions?	
	D 40
Page 40	1 Q in terms of operation?
1 A. Yes, they do.	2 A. Yes.
2 Q. Okay. Do you have access to those job descriptions?	3 Q. Thank you, sir.
3 A. They're on file, yes.	4 MR. DURHAM: No further questions.
4 Q. And Mr. Wiley's job is described there?	5 MR. YONTZ: Nothing further.
<ul> <li>A. As industrial specialist.</li> <li>Q. And what, does it give a further description of what</li> </ul>	6 THE COURT: Okay, you can step down, sir.
- · · · · · · · · · · · · · · · · · · ·	7 Call your next witness.
7 his duties are?  8 A. I don't understand your question. What his job	8 MR. YONTZ: Your Honor, the State will call
	9 Officer Madigan.
9 function was? 10 Q. Well, yes, sir. Generally, a job description says	10 THE COURT: What's the name?
1	11 MR. YONTZ: Madigan, M-a-d-i-g-a-n.
11 that you are 12 MR. YONTZ: I'm going to object, Your Honor, as	THE COURT: First name? First name? It's not
12 MR. YONTZ: I'm going to object, Your Honor, as 13 to the editorializing. Ask a question as opposed to providing	13 Officer.
	MR. YONTZ: Initial F. I'm not sure.
14 information. 15 THE COURT: Overruled.	15 MR. SIMS: Your Honor, may Mr. Askins be
and the second s	16 excused?
and the state of t	THE COURT: Any objection? Defense have any
17 describes the job, that is what you're expected to do and 18 accomplish, would you agree with that?	18 objection?
To a serve of the Art 1 sector constitute	MR. DURHAM: No, I don't think so. He's
20 is listed out as a supervisor of people, knowledge of	20 available, I'm sure, so we have no objection to him being
21 production and quality. That is the job title. That is the	21 excused from attendance, but not from the Rule.
	22 THE COURT: Okay.
<ul><li>job description.</li><li>Q. There's nothing other than a title?</li></ul>	23 MR. SIMS: Thank you, Your Honor.
1	24 THE COURT: Madigan?
A. Yes.  Q. Where is that description located?	THE BAILIFF: He's not out there. I think he's

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1 upstairs.	1 A. Yes, sir. He was on the 2 row and his house his
2 THE COURT: Okay. Call your next witness.	2 cell was on 3 row. I ordered him to get back to his cell.
3 MR. YONTZ: Officer Threadgill.	3 Q. Is that normal, that they would be ordered to go
4 (Pause)	4 back to their cell?
5 THE BAILIFF: No response.	5 A. Yes, sometimes, if they're problem offenders, yes.
6 THE COURT: Okay. Call your next witness.	6 Q. Did he comply with that order?
7 MR. YONTZ: That would be Officer McKinney.	7 A. Somewhat he did, after he hit me in the jaw.
8 The other individuals are here, Your Honor.	8 Q. Can you explain that?
9 (Off-the-record discussion)	9 A. Well, I was on 3 row and he was on 2 row.
THE COURT: Okay. Come up, please.	10 Q. Are these tiers above each other?
Raise your right hand, please, sir.	11 A. Yes. There's 3 row is, 1, 2, 3. And some
12 (Witness sworn)	12 something happened to where he was down on 2 row, and I I
13 THE COURT: Okay. If you'll take a seat up	13 told him to get back to his cell on 3 row, I was at his door.
14 there on the witness stand, please, and tell us your first,	14 And he you know, I can't remember exactly what he said, but
15 middle, and last names, please, sir.	15 I went down to confront him. And I told him to get back to
16 THE WITNESS: Frances M. Madigan.	16 his cell, and he said something about, "What are you doing in
i7 THE COURT: Go right ahead, sir.	17 my cell fishing line," or something. And I don't know if
18 FRANCES M. MADIGAN,	18 y'all know the terminology of a fishing line, which is a
19 having been first duly sworn, testified as follows:	19 Q. That's okay.
20 DIRECT EXAMINATION	20 A. Okay. I just I told him to go back to the cell
21 BY MR. YONTZ:	21 and he popped me in the jaw. And I was stunned for a second,
22 Q. Sir, how are you employed?	22 and I went to push him back. And as I did, he ran back up to
23 A. I work for the TDCJ, State of Texas.	23 his cell and closed the door behind him.
24 Q. How long have you been employed in that capacity?	24 Q. Were you in uniform at that time?
25 A. Approximately seven and a half years.	25 A. Yes, sir, I was.
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1 Q. Sir, calling your attention back to January 19th,	Q. And you were performing your duties as a corrections 2 officer?
2 1999, were you on duty that day?	3 A. Yes, sir.
3 A. Yes, sir, I was.	A STATE OF THE STA
4 Q. What were your assignments?	
5 A. I was doing the normal routine. I was running	
6 showers on the wing.	6 BY MR. DURHAM: 7 Q. When was this, please?
7 Q. And is that something that's normally done?	101 100
8 A. Yes, sir, on that building, yes.	
9 Q. On that day, did you have occasion to come in	9 Q. January 19th, 1999. And that was at the Clements 10 Unit?
10 contact with an individual that's identified as Travis	
11 Runnels?	11 A. No, that was at the Robertson Unit, when the said 12 offender was assigned closed custody.
12 A. Yes, sir, I did.	
Q. Is he in the courtroom today?	13 Q. I'm sorry. 14 A. When
A. Yes, sir, he is.	15 Q. It was a yes-or-no question.
Q. Would you point him out and describe what he's	TT 1
16 wearing, please?	
A. Wearing the green shirt and the tan tie.	1
Q. What was the nature of your contact with him?	
19 A. The nature of the incident?	
Q. Well, what were you doing at the time you made	
21 contact?	11 110
A. I was involved in running the showers on that wing	
23 at that time, which is, I have to escort offenders to and from	
1	
<ul><li>24 showers.</li><li>25 Q. Okay. Did you request Mr. Runnels to do anything?</li></ul>	<ul><li>Q. Okay. And firmly, I guess?</li><li>A. Yes, sir.</li></ul>

Page 49    MR, DURHAM: May I have just a moment, Your 2   Honor?   MR, DURHAM: May I have just a moment, Your 3   THE COURT: — if you need to object to the 4 montepositive.   MR, DURHAM: All right. Then I object to the 4 montepositive.   MR, DURHAM: All right in the I object to the 5 moments of the most of the positive of the most of the moments.   MR, DURHAM: May I approach the writens?   MR, DURHAM: May I approach the writens?   MR, DURHAM: May I approach the writens?   MR, DURHAM: Then I object to the 5 moments.   MR, DURHAM: Then I object to the 5 moments.   MR, DURHAM: Then I object to the 5 moments.   MR, DURHAM: Then I object to the 5 moments.   MR, DURHAM: Then I object to the 5 moments.   MR, DURHAM: Then I object to the 5 moments.   MR, DURHAM: — interpret of 10 moments.   MR, DURHAM: — interpret of 11 memorial moments.   MR, DURHAM: — interpret of 12 moments.   MR, DURHAM: — interpret of 13 moments.   MR, DURHAM: — interpret of 14 moments.   MR, DURHAM: — interpret of 15 moments.   MR, DURHAM: —	VS.	TRAVIS TREVINO RUNNELS		OCTOBER 27, 2005
2 Proposaliveness - 3 3 (Pause) 3 (Pause) 3 (Pause) 4 Q. (BY MR. DURHAM) Now, as I understood your 5 testimony - now, correct me if I'm wrong, because - he was 5 twee he wasn't supposed to be and you ordered him to return 10 his cell? 5 A. Yes, sir. 9 Q. And y'all bad no confrontation other than that? 10 A. No, sir. 11 MR. DURHAM: May I approach the witness? 12 THE COURT: Sure. 13 Q. (BY MR. DURHAM) I want you to read your offense 14 report and refresh your memory. 15 A. Yes, sir, I will. 16 Q. Yes, sir. Have you read it today? 17 A. Yes, sir. Have you read it today? 18 Q. O'Well, y'all didn't have a confrontation about 21 confiscating his fishing line? 22 A. That was involved in the words that we did have, 23 yes, sir. 23 Q. (BY MR. DURHAM) Twant so words that we did have, 23 yes, sir. 24 Q. Oh, there was a confrontation - 25 A. It was - I did not - 27 A. reconsider it a - 3 MR. YONTZ: the word confrontation, Your 4 Honor. 15 MR. PURHAM: I've forgotten it. The cought to have one person talking and get that all down 8 perfectly on the record. Two is pretty tough, but Ms. Zimmer 9 is real good at it. Three, nobody in the world can do it. 10 Okay? 11 MR. PURHAM: I've forgotten it. The Court: okay. Finish of another one MR. PURHAM: I've forgotten it. 1 The Court: okay. Finish of another one MR. DURHAM: I've forgotten it. 1 Three, nobody in the world can do it. 10 Okay? 11 MR. PURHAM: I've forgotten it. 1 Three probably in the world can do it. 10 Okay? 12 Question. 13 MR. PURHAM: I've forgotten it. 1 Three, nobody in the world can do it. 10 Okay? 16 MR. DURHAM: I've forgotten it. 1 Three, nobody in the world can do it. 10 Okay? 17 A. Sir, this was seven years ago. 1 is int it? 2 A. Okay. Yes, sir. 9 Okay. A No, sir. 1 Q. (BY MR. DURHAM) Yall had words about your 1 Question. 13 MR. PURHAM: I've forgotten it. 1 Three, nobody in the world can do it. 1 Three, nobody in the world can do it. 1 Q. (BY MR. DURHAM) Yall had words about your 1 Q. (BY MR. DURHAM) Yall had words about your 1 Q. (BY MR. DURHAM) Yall ha	Г	Page 47		Page 49
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### THE STATE-OFOR AS-BR Document 84-Multiellass/17/13 Page 18 of AS-AND THE MERITS vs. TRAVIS TREVINO RUNNELS OCTOBER 27, 2005

vs.	TRAVIS TREVINO RUNNELS		OCTOBER 27, 2005
	Page 51		Page 53
1	Q. I take it your answer is no, then?		from the Rule. I assume that he'll be available.
2	MR. YONTZ: Objection, Your Honor. He can give	2	THE COURT: I think he wants to go back home,
3 ł	nis answer.		right?
4	MR. DURHAM: He said he went for an exam. The	4	THE WITNESS: I would like to.
	question was: Did you require medical treatment? So his	5	MR. DURHAM: Where is his home?
6 a	answer was nonresponsive.	6	THE WITNESS: Abilene.
7	A. You didn't let me finish.	7	THE COURT: Wherever Robertson Unit is.
8	THE COURT: Sustained.	8	MR. DURHAM: I didn't know where Robertson was.
9	MR. DURHAM: Thank you, Your Honor.		If he wants to go back to Abilene, okay.
10	Thave no terminal questions of the second	10	THE COURT: Thank you very much, sir. You're
11	,		free to go.
12 <u>I</u>	BY MR. YONTZ:	12	MR. MADIGAN: Nothing wrong with Abilene.
13	Q. Why did you go to the hospital?	13	MR. DURHAM: Didn't say there was.
14	A. To get my jaw examined.	14	THE COURT: Call your next witness.
15	Q. Had you had any I think we got hung up on the	15	MR. YONTZ: Brown.
16 v	word confrontation any prior confrontations with	16	THE COURT: Would you raise your right hand,
17 I	Mr. Runnels?		please, ma'am?
18	A. No, sir.	18	(Witness sworn)
19	Q. You indicated you confiscated his fishing line?	19	THE COURT: Okay. If you would take a seat up
20	A. Yes, sir.		here on the witness stand, please. Once you're comfortable,
21	Q. Was there a confrontation at that time?	1	kind of pull the microphone to you and state your full name,
22	A. I did not consider it a confrontation, no, sir.		please.
23	Q. Did he question you or bring up the fact that you	23	THE WITNESS: Tonia LaShaon Brown.
24 l	had previously confiscated his fishing line at this time?	24	
25	A. Yes, he did.	25	
	Page 52		Page 54
1	O. So this all occurred at once, not on separate	1	<u>TONIA_BROWN,</u>
2 i	incidences?	2	having been first duly sworn, testified as follows:
3	A. No, all at once, sir.	3	<u>DIRECT_EXAMINATION</u>
4	Q. What is a fishing line?	4	BY MR. YONTZ:
5	A. A fishing line in the penitentiary is a long string	5	Q. Ms. Brown, how are you employed?
6 1	with some type of manmade weight on it. It could be as little	6	A. Lieutenant at the correctional office of
	as a toothpaste tube filled with wet toilet paper for a	7	Lieutenant of Corrections excuse me, at Coffield.
	weight. They sling it down the run, which is the walkway in	8	Q. And how long have you been with the Department of
	front of their cell, another inmate has another fishing line,	9	Corrections?
10 ł	he catches it with that line, pulls it into his cell, and	10	A. Since May 18th, 1990, about 15 years.
	whatever that inmate wants, he connects to that line and that	11	Q. Calling your attention back to November 18th, 2003,
12 (	offender pulls it into his cell.	12	were you on duty at that time?
13	Q. Primitive way of communicating and passing things	13	A. Yes, I was.
14 1	back and forth?	14	Q. And where were you on duty at?
15	A. Yes, sir.	15	A. The Coffield facility in Administrative Segregation.
16	MR. DURHAM: That was a pretty leading	16	Q. Where is that?
17 (	question.	17	A. Administrative Segregation is where we house
18	THE COURT: Sustained.	18	offenders who have been placed there either because of
19	MR. YONTZ: No further questions.	19	disciplinary or because of their affiliation with some type of
20	MR. DURHAM: Nothing.	20	•
21	THE COURT: Okay, you may step down, sir.	21	Q. At that time, was Travis Runnels one of your persons
22	THE WITNESS: Thanks.	ı	in Administrative Segregation?
	3 cm - xx 0.3 mm <sup>2</sup> - 3.6 - 41 ' 1 cm - xx 0.3 mm <sup>2</sup> - 40	100	A. Yes, he was.
23	MR. YONTZ: May this witness be excused?	23	
	THE COURT: Any objection?  MR. DURHAM: Excused from attendance, but not	24	Q. Did you have contact with him on this particular

Page 57 Page 55 1 that's not protected. And so the light bulb and what consists 1 A. Yes, I did. 2 within the light bulb was still a danger to me. Q. What was the nature of the contact? 2 MR. YONTZ: No further questions, Your Honor. 3 A. This offender was housed in separate seg, what we 4 call separate seg, where we house 12 of our most dangerous 4 **CROSS-EXAMINATION** 5 BY MR. DURHAM: 5 offenders. And he was in one of those cells. I had to bring Q. Administrative Segregation. Describe -- can you 6 paperwork to him. And in doing so, he threw a light bulb at 7 describe Administrative Segregation? How big an area is the 7 me. 8 cell? Q. In regard to that, was there anything that A. The cell itself? 9 precipitated the light bulb incident? Could you describe how 9 Q. Yes, ma'am. 10 10 that occurred? A. None whatsoever. In this area where he was assigned 11 A. Six by nine. 11 Q. Fifty-four square feet, would that be correct? 12 12 at the time --A. Six by nine, whatever that comes to, six by nine. MR. DURHAM: Objection, nonresponsive after 13 13 Q. Six times nine is 54, would you agree with me on 14 14 "none whatsoever." 15 that? THE COURT: Sustained. 15 A. I can agree with you to that. MR. YONTZ: And then the question was: Can you 16 16 Q. Okay. So he had 64 (sic) square feet, and how long 17 17 describe what occurred? MR. DURHAM: There was not a question between 18 had he been in that cell? 18 A. That particular cell, I cannot specifically tell 19 19 her "none whatsoever" --MR. YONTZ: It's a two-part question. Was 20 you. 20 Q. An hour, a day, a week, a month? 21 21 there a --A. He is housed there. That is his housing assignment. 22 MR. DURHAM: Your Honor, I object to the 22 Q. So that's where he kind of lives, in that 54 square 23 23 question as being two questions in one. THE COURT: Okay. She's answered the first 24 foot? 24 25 A. Yes. 25 part, ask the second part. Page 58 Page 56 Q. And he had been living in that 54 square foot since Q. (BY MR. YONTZ) Can you describe what happened? 1 2 he was sent to Coffield from Clements; is that correct? A. In this area, I took some paperwork. It was my job A. That would probably not be correct. In that area 3 as a supervisor to take things to the offenders if necessary 4 where he was assigned, offenders were moved on a weekly basis 4 because you can't open the cells unless there's a supervisor 5 in the event that they would not be able to facilitate an 5 present in the area where he was. 6 escape by doing something to manipulate the cell. So On this particular day, I was taking some 7 specifically how long he was in this particular cell, I cannot 7 paperwork to him, and that was my only job, was to take the 8 tell you. 8 paperwork to him. Nothing else occurred, and I was assaulted Q. Okay. Let's talk about Administrative Segregation. with a light bulb. 10 How long -- are all the cells 54 square foot? Q. When the assault -- or when this occurred, had you 11 A. Best of my knowledge on this facility. 11 just opened the door, had you been there awhile, what -- how Q. Okay. So if he was moved from Cell A to Cell B, the 12 long had your --13 difference would be Cell A is Cell A and Cell B is Cell B, but MR. DURHAM: Leading question, Your Honor. 13 14 that would be the only difference, the primary difference; is Q. (BY MR. YONTZ) -- contact been? 14 15 that correct? MR. DURHAM: Suggest the answers. 15 A. This is correct. 16 THE COURT: Sustained. 16 Q. Okay. I'm not trying to argue with you. 17 Q. (BY MR. YONTZ) How long had your contact been with 17 A. Oh, no, sir, no, sir. 18 18 him? Q. I'm -- I have not spent any time in your facility. 19 19 A. Just a few seconds. Q. Did this cause you any concern in regard to having 20 A. I understand. 20 Q. Okay. And I haven't been there to look at it, and 21 21 something like this thrown at you? 22 these jurors haven't seen it --22 A. Yes. MR. YONTZ: Objection, Your Honor. Is this a 23 23 Q. What was that? 24 question? A. We wear safety glasses to cover our eyes, but when 24 THE COURT: Go ahead. 25 25 an object is thrown at you, there are other areas of your body

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1 Q. (BY MR. DURHAM) So that's the reason I'm trying to

- 2 describe what -- what it's like.
- 3 A. Okay.
- 4 Q. Do you understand that?
- 5 A. Yes.
- 6 Q. Okay. Thank you.
- 7 All right. Now, in that regard, how is that 54
- 8 square -- just -- may I -- can you kind of just -- I know you
- 9 can't do it to a T, but can you kind of indicate on the floor,
- 10 you know, starting here to here, from here to here, what the
- 11 size of the cell is? That's about 54 square foot, isn't it?
- A. Good guesstimation maybe.
- 13 Q. Is that about the size of the cell?
- 14 A. That's possible.
- 15 Q. Well --
- 16 A. I mean, it's nine foot long --
- 17 Q. -- I haven't been there.
- 18 A. I understand. It's nine foot long, six feet wide.
- 19 Q. Okay.
- 20 A. The bunk where he is assigned is cemented to the
- 21 floor, so there's an area that's there, so it's not a moveable
- 22 bunk. The toilet is attached to the back of the wall, and
- 23 that's the only walking room, is from the space where the bed
- 24 ends to the other side of the wall.
- Q. Which is about how much, three foot, two foot?

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- A. The bed itself is approximately the size of a twin
- 2 bed, so whatever the distance would be from a twin bed to the
- 3 wall from the --
- 4 Q. Two or three foot?
- 5 A. Possible.
- 6 Q. Okay. All right. Now, I'm not talking about that
- 7 particular cell, I'm talking about Administrative Segregation
- 8 in the Coffield Unit. Do you know when he arrived at
- 9 Coffield?
- 10 A. He was transferred after the murder occurred.
- 11 Q. Okay.
- 12 A. What date that actually was, I wouldn't be able to.
- 13 tell you.
- 14 Q. Would that have been the next day, a couple of days
- 15 later, pretty soon?
- A. I really don't have privy to that information. I do
- 17 know he was immediately removed from his facility and this is
- 18 the facility that he ended up on after that incident. If
- 19 there were two other units in between his transfer, one, or
- 20 none at all, I wouldn't be able to tell you.
- Q. And when he was at Coffield, he was in
- 22 Administrative Segregation?
- 23 A. Yes
- Q. Which would have been February, probably the month
- 25 of February, yes or no?

- 1 A. Once again, I wouldn't be able to tell you.
- 2 Q. March?
- 3 MR. YONTZ: Objection, Your Honor, asked and
- 4 answered.
- 5 THE COURT: You're not going to be able to
- 6 identify any month, is that --
- 7 THE WITNESS: Yes, sir, this is correct. I
- 8 don't work in the division that deals with the classification
- 9 as to where the offender is assigned and when he's
- 10 transferred.
- 11 Q. (BY MR. DURHAM) Well, in all your contact with him,
- 12 he was in Administrative Segregation?
- 13 A. Yes, during the time that I was assigned to that
- 14 area, he was also there.
- O. Now, I'm not sure, but is -- when you feed the
- 16 prisoners in Administrative Segregation, there's a little door
- 17 that opens and a tray is set there; is that correct?
- 18 A. Yes, sir. It's called a food slot.
- 19 Q. Okay. Will papers not fit through the food slot?
- 20 A. In the area where he was assigned, you would have to
- 21 open the door in order to get them in. They would not slide
- 22 through.
- Q. They wouldn't fit in the food slot, is what you're
- 24 saying?

25

A. Not for the area where he was.

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- Q. Oh. Well, what was different about that area?
- A. We have a -- what you would maybe consider to be a
- 3 general area of Administrative Segregation and then we have a
- 4 more confined area. At the time he was on our facility, he
- 5 was in the most confined area.
- 6 Q. All right. What's the difference in the general
- 7 Administrative Segregation area and the confined area?
- A. Within the confined area, we house what we consider
- 9 to be 12 of the most dangerous offenders, and they're there
- 10 for either attempting to escape, harming of the staff members,
- 11 harming themselves, harming other offenders, potential escape
- 12 risk, and so they're placed there so that we have a constant
- 13 view on them.
  - O. Is it the same size?
- 15 A. Yes.

- 16 Q. But they're under constant observation?
- 17 A. Yes.
- Q. And the lights are on 24 hours a day?
- 19 A. Yes, unless the offender turns them off. Within the
- 20 cell, if that's what you're asking.
- 21 Q. Well, I mean, does he have the control to turn it
- 22 off?
- 23 A. Yes.
- Q. Can you override that control?
- 25 A. No.

vs. TRAVIS TREVINO RŪNNĒL Page 65 Page 63 MR. YONTZ: No further questions. Q. Okay. And you don't know how long he had been in 1 1 RECROSS-EXAMINATION 2 2 there? 3 BY MR. DURHAM: A. No, sir. O. Describe that contact. How much time are they Q. And it was that small confined space. Is it unusual 5 allowed out of the cell? 5 for prisoners in that segregation unit to be hostile? A. One hour per day in the event that he's doing A. Is it unusual? 7 everything he needs to do in order to receive that one hour. 7 O. Yes, ma'am. O. So he gets one hour a day if he's a good boy? 8 A. Not in this particular area. Q. Now, this light bulb, what wattage was it? 9 A. More or less. 9 Q. Okay. And when he leaves that cell, is there a 10 A. I would not know. 10 11 procedure you follow for handcuffing him? Q. Was it recovered? 11 12 A. Yes. A. It was shattered. I mean, when he threw it, it 12 Q. All right. And will you describe that procedure to 13 13 shattered, so --14 the jury, please? 14 Q. What did it hit? A. Of course. Would you like for me to describe that 15 A. It went through the cell and hitting me. 15 16 of Administrative Segregation or the area where this Q. And shattered when it hit you? 16 A. Going through the outer doorway, yes. 17 particular person was confined? 17 Q. Let's do it both ways. 18 Q. Now -- boy, you've lost me there. 18 A. I'm sorry. The outside door on the cell is made of 19 A. Okay. In the general area --Q. Do you want to demonstrate it? Would a 20 a mesh wire, somewhat similar -- similar to that of chicken 20 21 demonstration --21 wire, I guess you could say --A. Either/or, sir, it's your preference. 22 22 Q. So it --Q. Well, let's just kind of show them what you do. 23 23 A. -- but stronger in nature. 24 I've seen a film on this. You tell me if it's right. Like, Q. It hit the -- the mesh wire first? 24 25 okay, here's my cell, okay? 25 A. Yes. Page 66 Page 64 A. Uh-huh. Q. So it really didn't hit you? He threw the light 1 Q. You're the officer and you come and you tell me 2 bulb, it hit the mesh wire, and you were behind the mesh wire? 3 you're going to take me out for my hour, right? A. It did strike me. 3 A. Yes. Q. Did it cut you? Q. And during this hour a day, what do I get to do? 5 5 A. No, it did not. A. You may either go to the dayroom area or to an Q. Okay. Where did the light bulb come from? A. From inside the cell. He's issued a light bulb in 7 outside recreation area. Q. Is that alone or do I get to be with --8 order to generate light to his cell. 8 A. By themselves. Q. Okay. So it's a lamp? 9 Q. By myself? 10 A. No, sir, it's an actual plate that has the light 10 11 A. Yes. 11 bulb in it. Q. I can go outside to the recreation area, right? Q. Okay. So he only had the one bulb, and when he took 12 12 13 13 it out, he had no light? O. Okay. And what if I want to shower, do I do that 14 A. That's correct. 14 15 within the hour? 15 Q. Was he disciplined for that? A. No, sir, that's a separate time. 16 16 A. I believe so. 17 Q. At a separate time? Q. And that was after the murder that he pled guilty to 17 18 A. Yes. 18 yesterday, right? Q. Okay. Here's my cell, this is my 54 square foot, 19 19 A. Yes. 20 okay? MR. DURHAM: I have no further questions. 20 21 A. Okay. REDIRECT EXAMINATION 21

22

24

25

23 hour," okay?

A. It's your hour.

Q. All right. Come to the door.

Q. As I take it, then, even in Administrative

24 Segregation, they have contact with corrections officers?

22 BY MR. YONTZ:

A. Yes.

23

25

Q. And you come to the door and say, "I'm -- it's your

Page 69 Page 67 O. Yeah. For regular Administrative Segregation. What A. The first procedure that's going to occur is we're 1 1 2 going to ask you to remove all of your clothing. 2 about the --A. Those same procedures occur. The only difference is 3 Q. I'm not going to do that. I'm sorry. 4 in the area where this particular person was assigned, a MR. YONTZ: He requested a demonstration, we 5 supervisor would have to be present. 5 would request it be accurate. Q. Two people would be there? MR. DURHAM: If that's what it takes. 6 A. A supervisor would have to be present. 7 Do you want me? 7 Q. Okay, so more than two people could be there? 8 MR. YONTZ: No. 8 9 A. Yes. THE COURT: Perhaps Mr. Yontz wants to 9 O. All right. And I go out to the -- to the play area 10 10 demonstrate. 11 and I play basketball or whatever it is --MR. DURHAM: All right. We'll let Mr. -- if 11 12 A. Yes, sir. 12 Mr. Yontz --Q. -- by myself, right? 13 MR. YONTZ: We'll stipulate, Your Honor. 13 14 A. Yes, sir. MR. DURHAM: I thought we could come to an 14 Q. And then I get ready to come in, am I searched 15 15 agreement. Q. (BY MR. DURHAM) Okay. Pretend, without getting 16 again? 16 A. Yes, you are. 17 17 sick, that I have removed my clothes. Q. I stand in a wire cage? A. Yes. Once you have removed your clothing, then 18 18 A. The same procedure where you are would be 19 we're going to conduct the remainder of the strip search, 19 20 which we would go through. At that completion, you would 20 followed --21 Q. Take my clothes off? 21 place your clothes back on. 22 A. -- as you go -- yes, sir. Q. Okay. I'm in my cell? 22 23 Q. Bend over, arms --23 A. Yes, sir. 24 A. Yes, sir. Q. You come in the cell? 24 25 Q. The whole nine yards, right? A. No, sir. 25 Page 70 Page 68 1 A. Yes, sir. Q. Okay. You're watching me? 1 2 Q. And then I'm shackled again? 2 A. Yes, sir. 3 A. Once again. O. I mean, as a part of your duties? 3 4 Q. And go back? A. Yes, sir. 4 Q. Okay. And -- all right, I'm stripped, you've 5 A. Yes. 6 Q. That's one hour a day? 6 searched me. 7 A. Yes. A. I've searched you. Q. All right. And if -- if I violate some of the 8 Q. Okay. 8 9 rules, I don't get that hour? A. Now we will place -- you will place your hands A. Your punishment -- part of punishment that could be 10 10 through the outer food slot. 11 imposed could be that you would not receive that one hour. Q. Food slot right here? 11 12 Q. So some people could be in that 54 square foot every A. Back into that, yes, sir. 12 13 day for a very, very long period of time without going out at Q. Like that, okay. 13 A. The employee will then place the restraints on you, 14 all; is that correct? 14 A. There are still rules that ensure that we make sure 15 double lock the handcuffs. 16 that you are out of your cell because we have to view you to Q. Okay. 16 17 make sure that you're okay. But as far as you being able to A. And then close the food slot. 17 18 participate in those activities, yes, there are some that do 18 Q. Uh-huh. A. Open the outer door, and you would be removed by 19 not get those activities. 19 20 Q. Okay. 20 walking backwards out of the cell. MR. DURHAM: Just a moment, Judge. 21 Q. Walk backwards out of the cell? 21 22 (Pause) 22 A. Yes, sir. Q. (BY MR. DURHAM) Now, there are different levels of 23 Q. Okay. Now, that's for regular --23 24 security even in Ad Seg. When we say "Ag Seg," what --A. Anytime you're removed from the cell, that should be 24

25 agri --

25 the procedure.

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- 1 A. Administrative Segregation.
- 2 Q. Ad Seg?
- 3 A. Yes.
- 4 Q. A-d?
- 5 A. Yes.
- 6 Q. Ad Seg, okay. I was thinking Ag. Okay, Ad Seg.
- 7 All right. You have two levels in Administrative Segregation,
- 8 correct?
- 9 A. Actually, there are three.
- 10 O. Three?
- 11 A. One, two, and three.
- O. One, two, and three. All right. Is one the highest
- 13 or the lowest?
- 14 A. One is the highest.
- 15 Q. Okay.
- 16 A. Three being the lowest.
- 17 Q. Okay. And describe the difference in the three
- 18 levels.
- 19 A. The three levels are determined based upon the
- 20 offender's disciplinary history. Level One means that he
- 21 doesn't have any disciplinary within the minimum of 120 days.
- 22 I'm kind of rusty on my thing. I haven't been in seg for a
- 23 while.
- 24 Two and three means there is some disciplinary
- 25 that has been imposed within the last 30, 90, to 120 days,

1 certain time span.

5

- Q. Okay. So I -- if I don't get proper within that
- 3 time span, the radio is gone. I --
- 4 A. If you don't --
  - Q. -- never can --
- A. -- progress.
- 7 Q. -- have a radio?
- A. You wouldn't be able to have that radio again. You

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- 9 would have to progress to a point that you could purchase
- 10 another radio.
- 11 O. Okay. What happens to that radio?
- 12 A. It is destroyed or you have the ability to send it
- 13 home.
- 14 Q. Okay. So in Ad Seg, you control the prisoner with
- 15 several things. First, they're limited in space, correct?
- 16 A. Yes, sir.
- O. And they are limited in movement, correct?
- 18 A. Yes.
- 19 Q. And if that doesn't bring them under, you limit
- 20 their time out of the cell, correct?
- 21 A. Through disciplinary, yes.
- 22 Q. Uh-huh. And you limit the property they can have
- 23 and when it's returned?
- 24 A. This is all true.
  - Q. Okay. And I've heard -- correct me if I'm wrong.

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- 1 which limits the amount of activities and property the
- 2 offender could have in his cell at the time.
- 3 Q. And three means he's limited in his time and
- 4 property. When you speak of property, does that include
- 5 radios, televisions, that type of thing?
- A. We don't have televisions, sir, in segregation.
- 7 Q. Well, I had always heard they had color TV in
- 8 prison; is that not true?
- 9 A. Not in Texas, not at Coffield.
- 10 Q. Do they have radios?
- 11 A. Yes, they do.
- 12 Q. In all three levels?
- 13 A. What you can have in segregation is based upon your
- 14 level. If your level is high enough that you could purchase
- 15 the radio, then it would be part of your property that you
- 16 could have on you at that time.
- 17 As part of the disciplinary phase, if you are
- 18 disciplined for an aggressive act, then you can be limited in
- 19 the property you can have in your cell with you at that time.
- 20 If you do not get your disciplinary to a
- 21 positive point, then you could actually lose your property
- 22 altogether.
- 23 Q. Lose it all -- you mean you would take my radio
- 24 forever?
- 25 A. If your disciplinary did not improve within a

- 1 Sometimes do they segregate people in Ad Seg because of gang
- 2 associations?
- 3 A. Yes.
- 4 Q. And for that reason and that reason alone?
- 5 A. Yes.
- 6 Q. Okay. It's not a pretty thing, is it?
- 7 A. No, sir.
- 8 Q. Okay. Now -- okay, we've got Ad Seg, then we have
- 9 other levels of incarceration within your unit. That's the
- 10 only one I -- is that the only unit you're familiar with?
- 11 A. I've worked on one other facility.
- 12 Q. Where was that?
- 13 A. The Michael -- the McConnell facility in Beeville,
- 14 Texas.
- 15 Q. Beeville. And Coffield is where?
- 16 A. In Tennessee Colony, Texas.
- 17 Q. Which is down by Palestine?
- 18 A. Yes, it is.
- 19 Q. Or is it Palestine?
- 20 A. Palestine if you live there, Palestine if you're
- 21 not.
- Q. Okay. Well -- all right. Some of these -- well,
- 23 within the Coffield Unit, what other level? We have the three
- 24 Administrative Segregation levels. What else -- what other
- 25 levels do we have?

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- 1 A. We house general population. We have G-2s and G-1
- 2 offenders and G-3s as well.
- 3 Q. All right.
- 4 A. And G-4s.
- 5 Q. All right. That means nothing to me.
- 6 A. Okay.
- 7 Q. Okay? Explain it to me, please.
- 8 A. We have --
- 9 Q. What's a G-1?
- 10 A. A G-1 is an outside trusty.
- 11 Q. That's somebody that can leave the facility?
- 12 A. He does not leave the facility, he is still
- 13 confined. It's that his restriction -- his contact with the
- 14 staff members is once every -- a minimum of once every two
- 15 hours. He's given a specific job. He can be outside working
- 16 on a tractor, he could be working in some other capacity,
- 17 but --
- 18 Q. File clerk?
- 19 A. -- it's the less restrictive category we have in our
- 20 facility.
- 21 Q. Okay. So -- okay. That's G-1?
- 22 A. Yes, sir.
- Q. Then let's go on to G-2.
- A. G-2 is what we know to be general population
- 25 offenders. These offenders have jobs. They're still confined
  - Page 76
- 1 inside the inner gates, but they're assigned to facilities to
- 2 work in food service, they may work in the laundry department,
- 3 the field force service. There are general population jobs
- 4 assigned to that custody level, G-2s and G-3 offenders.
- Q. What's the difference in a 2 and 3?
- 6 A. The difference between a 2 and 3 is that a G-3
- 7 offender is an offender who is serving 50 years or more worth
- 8 of time, and he does not have the minimum of five to ten years
- 9 of time done on that.
- 10 Q. Okay. And G-4?
- 11 A. G-4 is what we consider to be a medium custody
- 12 offender. He is there because of his disciplinary or because
- 13 of an SPD, a security precaution designator.
- 14 Q. And what are the limitations placed on them?
- 15 A. They're out of their cells less, and the type of
- 16 jobs that they can have are more restrictive.
- 17 Q. Okay. So if you're not a G-4 and you're not an Ad
- 18 Seg, you have some freedom -- much more freedom of movement;
- 19 is that right?
- 20 A. Yes.
- 21 Q. And that classification is done how and when, if you
- 22 know?
- 23 A. The classification of the offenders?
- 24 Q. Yes, ma'am.
- A. At the time that he comes in, he is immediately

- 1 classified, and every year from his birth day is the date that
- 2 we use in our facility to reclassify the offender or to look
- 3 at him again, or in the event that he has not progressed six
- 4 months after a disciplinary hearing, he may be reviewed.
- Q. Okay. Well, Lieutenant Brown, I want to thank you
- $\,\,$  6 for educating me about your unit and about Ad Seg, and I
- 7 appreciate you coming here from Palestine.
- 8 A. Thank you.
- 9 MR. DURHAM: Pass the witness.
- 10 REDIRECT EXAMINATION

### 11 BY MR. YONTZ:

- 12 Q. Good things are rewarded and bad things result in
- 13 things being taken away; is that correct?
- 14 A. Yes.
- O. You demonstrated getting a person out for rec time
- 16 or for -- in the dayroom or whatever, and you used a variety
- 17 of security procedures; is that correct?
- 18 A. That's correct.
- 19 Q. But they also get out to shower?
- 20 A. Yes.
- Q. And if a medical situation arises, you have to open
- 22 the door and get in there without them being handcuffed; is
- 23 that correct?
- A. If it's a situation to where the offender is harmed
- 25 to where we need to get in, yes.

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- 1 Q. So they may have contact with you without being
- 2 shackled?
- 3 A. It is possible.
- 4 O. And when they -- you take security precautions, do
- 5 those security precautions eliminate all the dangers?
- 6 A. No, they don't.
- 7 Q. In fact, those people can still kick?
- 8 A. Yes.

12

- 9 Q. And kicks can be severe -- cause severe injuries?
- MR. DURHAM: Can counsel ask a question that's
- 11 not leading. Objection, leading.
  - THE COURT: Sustained.
- 13 Q. (BY MR. YONTZ) Can kicks cause severe injuries?
- 14 A. Yes, they can.
  - MR. YONTZ: Nothing further, Your Honor.
- 16 RECROSS-EXAMINATION
- DV AD DUDIIAM.
- 17 BY MR. DURHAM:
- 18 Q. Well, you say it's possible to have injuries with
- 19 all the precautions, right?
- 20 A. Yes.
- 21 Q. Just like, if you're wearing your seat belt and you
- 22 have good tires and your car is inspected and you're driving
- 23 the speed limit, it's possible that you'll be injured in an
- 24 auto accident, isn't it?
- 25 A. That's possible.

8

9

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- 1 Q. Because you can't predict what some other person is 2 going to do?
- 3 A. No.
- 4 Q. Correct?
- Would you agree that predicting what a person 6 is going to do is highly improbable?
- 7 A. In what situation?
- 8 Q. Any situation, driving, marriage, it's hard to
- 9 predict what people are going to do, isn't it?
- 10 A. Sometimes.
- O. Well, do you have some particular -- strike that.
- Basically, you impress me as having been
- 13 educated in this area. Do you have a degree?
- 14 A. Yes, I do.
- 15 Q. All right. And that's a master's or what?
- 16 A. No, sir, I have an associate's.
- 17 Q. From?
- 18 A. Trinity Valley Community College.
- 19 Q. Okay. Where is that?
- 20 A. Palestine, Texas.
- 21 O. Oh, it's in Palestine?
- 22 A. Yes.
- 23 Q. All right. You had other training at the
- 24 department, too?
- 25 A. Yes, I have.

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- 1 O. Yeah. And they teach you to look out for things?
- 2 A. Yes.
- 3 Q. They teach you about how to do the handcuffs and how
- 4 to do the strip search and that type thing; am I correct?
- A. Yes, you are correct.
- 6 Q. All right. What about the civilian employees, do
- 7 they give them the same training?
- 8 A. The what type of employees?
- 9 Q. Civilian.
- 10 A. Civilian employees?
- 11 Q. Do y'all have civilian employees?
- A. We do have an inservice type training that gives you
- 13 basic awareness to potential danger working in this type of
- 14 environment, but the intense training that the correctional
- 15 officers receive, these employees do not receive.
- 6 Q. Okay. When you say "intense training," could you
- 17 describe the training that y'all are given to prevent the very
- 18 thing that Mr. Yontz asked about?
- 19 A. There's six weeks worth of training when you come to
- 20 our facility before employment. And depending upon what your
- 21 title is determines whether or not you are required to go
- 22 through this program. It's called pre-service training.
- 23 During your pre-service training, you are
- 24 taught the rules and regulations of our facility -- of our
- 25 agency, rather, as well as how to apply hand restraints,

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- 1 transportation of offenders, proxemics, defense tactics, as
- 2 well as other things within -- but that's somewhat basic to
- 3 your six weeks worth of training.
- Q. Do they teach you any unarmed combat or anything
- 5 like that? I mean, I really don't know what they teach you.
- A. It's basic defensive tactics, is the best I could
- 7 describe it for you.
  - Q. Could you demonstrate some of that on Ms. Hamilton?
  - Well, I'm trying to be equal opportunity.
- 10 A. What you're asking is -- it's not to the level that
- 11 they would receive a black belt in karate or anything of that
- 12 nature. It's basic maneuvers that we teach you in order to
- 13 attempt to defend yourself in the event that you are in harms
- attempt to defend yoursen in the event that you are in harm
- 14 way, not as an offensive, but as a defensive, so that if -- we
- 15 teach proxemics and distance and how far you should be from
- someone to lessen the danger, defensive stances, things that are not aggressive to another individual in speaking with them
- 18 or dealing with them on a day-to-day basis.
- 19 Q. I've probably been watching too much of the Arts &
- 20 Entertainment channel, but they've had a deal on
- 21 penitentiaries and where they have an obstreperous inmate, one
- 22 who's sitting in the back of the cell just making a real
- 23 nuisance of himself, they'll rush in there with like nine or
- 24 ten ninjas, or they look like ninjas, you know, and take him
- 25 out and that type of thing. Do y'all have that kind of unit,

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- out for things? 1 response unit?
  - A. It's not specifically a unit that's assigned to the
  - 3 facility. It's called a force cell move team, as you are
  - 4 hinting toward. It's a five-person team that is utilized to
  - 5 extract someone from an area in the event that their actions
  - 6 would require that. But you don't just go in and just do
  - 7 that. I mean, something would have to occur --
  - 8 Q. Well, I --
  - 9 A. -- to --

- 10 Q. -- I know.
- 11 A. But it's a minimum -- a minimum of five should be
- 12 sufficient in most cases to remove someone from an area.
- 13 Q. And they have -- they have more specialized training
- than the average officer, or do they?
  A. No, sir, not necessarily. Any employee could be
- 16 utilized that's a security staff member, but the supervisor is
- 17 going to make a decision based upon that employee's skill
- 18 level as to whether they would be used in that position.
- 19 Q. Do they have different equipment than the ordinary
- 19 Q. Do they have different equipment than the ordin 20 officer who is just taking somebody out of the cell?
- 21 A. There is protective wear that those individuals
- 22 wear.
- Q. What does that consist of?
  - A. It's a helmet, it's a jacket, more or less, I guess
- 25 you would consider it, and a -- the first person that goes in

V 5.	TRAVIS TREVINO RUNNELS		OCTOBER 27, 2005
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1	the cell is going to use a shield to try and move that person	1	A. Yes, sir.
	away so that the least amount of harm comes to the staff or	2	Q. Is he in the courtroom today?
	the offender, to pin them.	3	A. Yes, sir.
4	Q. Do they have batons or anything?	4	Q. Would you point him out and describe what he's
5	A. Not in this in this area when they go in.	5	wearing, please?
6	Q. Okay.	6	A. A green shirt.
7	MR. DURHAM: I have no further questions.	7	Q. And a tie?
8	THE COURT: Anything else?	8	A. Yes, brown tie.
9	MR. YONTZ: Nothing further, Your Honor.	9	Q. What were your duties at the Coffield Unit?
10	THE COURT: Okay, you can step down.	10	A. I was I escort offenders to and from the showers
11	MR. YONTZ: May she be excused?	11	and recreation and just make sure they're where they're
12	MR. DURHAM: Certainly, if she wants to go back	12	supposed to be when they're supposed to be there.
1	to Palestine.	13	Q. How did you have contact with the defendant?
14	THE COURT: Okay, you're excused.	14	A. He threw urine in my face.
15	MR. DURHAM: Thank you for coming up.	15	Q. Can you explain how that occurred?
16	THE COURT: All right. Let's take a 15-minute	16	A. What had happened, earlier that day, I had written
	recess, please.	17	an offense report on him for a masturbation case, and when I
18	(Recess)	18	was escorting another offender to the cell, I had secured the
19	THE COURT: Call your next witness.	19	other offender, and when I was bending down to slide the bolt
20	MR. YONTZ: Your Honor, the next witness the	20	closed on the bottom of the cell front, he threw urine in my
	State would call would be Officer McKinney.	21	face.
22	THE COURT: Come right up, please. Raise your	22	Q. Was he the person that you were securing in the
	right hand, please.	23	
24	(Witness sworn)	24	A. No, it was another offender.
25	THE COURT: All right. Take a seat up here on	25	Q. Did you have any contact had you had contact with
-	Page 84	<del> </del>	Page 96
		1	rage ou
١,	i i	1	him prior to this?
1 2	the witness stand. When you make yourself comfortable, pull	1 2	him prior to this?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	the witness stand. When you make yourself comfortable, pull that microphone, not up to your mouth, but in a direct line with it just where you can sort of speak into it, and state your full name, please.  THE WITNESS: Catherine Nicole McKinney.  CATHERINE NICOLE McKINNEY, having been first duly sworn, testified as follows:  DIRECT EXAMINATION  BY MR. YONTZ:  Q. How are you employed?  A. Sir?  Q. I'm sorry?  A. I didn't understand you.  Q. How are you employed?  A. I am employed as a correctional officer at the Texas  Department of Criminal Justice.  Q. In what facility?  A. Coffield Unit.  Q. Calling your attention back to May 3rd of 2003, were you also a corrections officer?  A. Yes.  Q. And were you also at the Coffield Unit?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No, not that I recall. Q. Was there anything that you observed that would have precipitated this? A. Other than the offense report I had written earlier that day, no. MR. YONTZ: No further questions. CROSS-EXAMINATION  BY MR. DURHAM: Q. You wrote an offense report earlier in the day? A. Yes, sir. Q. For him exposing himself? A. Yes, sir. Q. Is that unusual for prisoners to expose themselves to you? A. No. Q. Pardon? A. No, sir. Q. That's fairly common? A. Yes, sir. Q. And he was in Ad Seg? A. Yes, sir. Q. Okay. He was in Ad Seg, and that's a solid door, isn't it?

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Page 89 Page 87 A. Yes, sir. He would not -- or he would be on 1 across the front of the cell front. 2 recreation restriction. He would not be allowed to go to O. It's not a solid door? 3 recreation. 3 A. No. 4 O. That means he couldn't get out for the hour? Q. None of Ad Seg is solid doors? A. No, sir. They have some type of mesh or like a 5 A. Correct. Q. And for how many days would that occur? 6 metal front that has some kind of holes in it where we're able A. However the disciplinary captain -- how many days --7 to see inside. 8 however many days the disciplinary captain said that he could Q. Okay. And you were at a cell next to it? 9 not come out. 9 A. Yes. Q. And that could be as many as how many? 10 10 Q. How far? 11 A. Probably not even a foot away, maybe six inches. A. Thirty. 11 O. In other words, because you had written him up, he Q. And was he aware you had written him up earlier in 12 12 13 could have to remain in his cell 30 days without recreation? 13 the day? 14 A. Yes. 14 A. Yes. Q. So he was angry? 15 O. And how was he made aware of that? 15 A. Yes. 16 A. Another officer had gone and investigated the 16 MR. YONTZ: Objection. Calls for speculation. 17 17 offense report. THE COURT: Sustained. Q. Did you tell him you were going to write him up? 18 18 Q. (BY MR. DURHAM) Did he say anything to you that 19 19 A. Yes, sir. 20 would indicate he was angry? Q. Oh, so you had told him you were going to write him 20 21 A. No. 21 up? Q. You thought he was okay with you writing him up? 22 22 23 A. Yes, I suppose. Q. And he was still in the 54 square foot cell at the 23 MR. YONTZ: Again, objection. 24 24 time, right? MR. DURHAM: What's the objection? 25 25 A. Yes, sir. Page 90 Page 88 MR. YONTZ: Speculation. 1 Q. And he had been there how long? 1 THE COURT: Sustained. 2 A. As far as I know, all day. 2 MR. DURHAM: Well, it's speculation on what she 3 Q. Well, before that, had he been in Ad Seg? 3 4 thought. It's not speculation. She --A. Yes. THE COURT: Well, it's speculation based on 5 Q. And how long had he been in Ad Seg? 5 speculation -- answer based upon speculation. Sustained. A. I can't really recall how long he had been there. 6 MR. DURHAM: Very well. No further questions. Q. Had you ever known him not to be in Ad Seg? 7 7 MR. YONTZ: Nothing further, Your Honor. 8 A. No, sir. 8 THE COURT: Okay, you can step down, ma'am. Q. Were you aware he came there sometime in early 9 9 Call your next witness. 10 10 February? MR. YONTZ: Officer Threadgill. 11 11 A. Yes, sir. THE COURT: Raise your right hand, please. Q. So he had been there in February, March, April, and 12 12 (Witness sworn) 13 13 May? THE COURT: If you would take a seat on the 14 A. Uh-huh. Yes, sir. 14 15 witness stand, please, and once you're comfortable, make sure Q. And he got out no more than one hour a day if 15 16 that you're speaking into the microphone, and state your full 16 everything was right? 17 name, please, sir. A. That's right. 17 THE WITNESS: Robert Threadgill. 18 Q. Did he get out every day for one hour --18 ROBERT THREADGILL, 19 A. Unless he had refused. 19 20 having been first duly sworn, testified as follows: O. -- or were there -- pardon? l20 DIRECT EXAMINATION A. Unless he had refused to come out of his cell yes. 21 21 22 BY MR. YONTZ: Q. Well, what -- when you wrote him up, what would the 22 O. How are you employed, sir? 23 23 penalty be for being written up? A. I was employed with TDCJ at the Coffield Unit. 24 A. Cell restriction and commissary restriction. 24 Q. Are you still employed with them? 25 O. Cell restriction? 25

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1 A. No, sir.	1	A. Why did I quit?
2 Q. How long were you employed with the Department of	2	O. Yes, sir.
3 Corrections?	3	A. A better a different job.
4 A. Ten months.	4	Q. Doing what?
5 Q. Where were you employed at, what facility?	5	A. I'm employed with Coffee City Police Department.
6 A. It was the seg unit of Coffield.	6	Q. Became a policeman instead?
7 O. Sir, in regard to that, calling your attention back	7	A. Yes, sir.
8 to June 25th, 2004, did you have occasion to come in contact	8	Q. This was in May?
9 with an individual identified as Travis Runnels?	9	A. Sir?
	10	Q. This was when, May of this year of last year?
1	11	A. Yes, sir. I was employed with Alto PD at the time.
1	12	Q. No, no, when this incident occurred, May of '04?
12 A. Yes, sir.	13	A. Yes, yes.
13 Q. Is he in the courtroom?	14	Q. How long had you been with the department at the
14 A. Yes, sir.	1	time it occurred?
15 Q. Would you point him out and describe what he's	16	A. About seven months, I would say.
16 wearing, please?	17	Q. During that seven months, Mr. Runnels had been in Ad
17 A. The green shirt.	1	Seg all of that time, hadn't he?
18 Q. Okay. Thank you.	19	MR. YONTZ: Objection, Your Honor withdrawn.
19 A. Tan tie.	20	A. I had no the first time I came in contact with
Q. What were your duties at the unit?		him was when I worked in Super Seg, and that was that one day
21 A. As a correctional officer.	1	
22 Q. What did you do?	1	this incident occurred.  Q. (BY MR. DURHAM) That's the only time you came in
23 A. That on that day?	23	- •
24 Q. Yes, sir.	1	contact with him?
25 A. I was working Ad Seg, Super Seg. We were in the	25	A. Yes, sir.
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1 process of doing showers and changing out rec, recreational.	1	Q. Never saw him before?
2 Q. Was Mr what was the nature of the contact that	2	A. No, sir.
3 you had, or how did you come in contact with him?	3	Q. And you don't know who did you don't know how
4 A. At that point, we was changing out a shower at the	4	- <i>D</i>
5 time, and I was walking across the cell and he had a like a	5	A. No, sir, I don't have a clue how long he's been in
6 foot tub full of human feces, which he threw at that point	1	the system.
7 towards myself, and I had a shield in front of me that we have	7	Q. You don't know what the history was of people
8 to use to walk in front of their cells.	1	walking by his cell saying things?
9 Q. Did any of it hit you?	9	•
10 A. Yes, it made contact on my boot because it hit the	10	MR. DURHAM: No further questions.
11 ground and went up under the shield.	11	MR. YONTZ: Nothing further, Your Honor.
Q. Was he the person that you were transporting at that	12	• •
13 time?	1	Mr. Threadgill.
14 A. No, sir. He was in the first cell next to the	14	
15 shower and we had to pass his cell to retrieve another inmate	15	
16 for the shower.	16	
17 Q. Did that cause you any concern?	17	
18 A. Yes, sir.	1	lot.
19 Q. Why is that?	19	man correspondent to the control of
20 A. Just the health issues, the risk that you know,	20	
21 the diseases that you can come in contact with.	21	MR. YONTZ: Sergeant Crandell.
MR. YONTZ: No further questions, Your Honor.	22	
23 <u>CROSS-EXAMINATION</u>	23	SER MONTHER THE MILE Crowdell
24 <u>BY_MR. DURHAM:</u>	24	
25 Q. Ten months. Why did you quit?	25	THE COURT: Raise your right hand, please, sir.

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1	(Witness sworn)	1	Is it stapled? Do you want to unstaple it?
2	THE COURT: All right. Take a seat on the	2	Your Honor, inside the bag are ten are brown
3	witness stand, please.	3	bags, that I have no idea what's in the brown bags.
4	MICHAEL CRANDELL,	4	May I open a brown bag?
5	having been first duly sworn, testified as follows:	5	THE COURT: Well, you know, all these things I
6	DIRECT EXAMINATION	6	guess are marked separately, and so if State's Exhibit what
7		7	is it, 6?
8	Q. Sir, would you state your name, please?	8	MR. YONTZ: Yes, sir.
9	A. I'm Sergeant Michael Crandell.	9	THE COURT: is the outside sack, then dump
10	Q. How are you employed, sir?	10	everything out, and if you want to introduce State's 6, then
11	A. I am a sergeant for the Amarillo Police Department.	11	offer it, and then go through each other sack, I guess, until
12	Q. In what capacity?	12	you get down to the last thing that is contained
13	A. I'm currently assigned to the Special Crimes Unit,	13	MR. DURHAM: I would put it over there.
14		14	(Pause)
1	Potter County deputies and Amarillo police officers.	15	MR. DURHAM: I take it 6 that was tendered has
16	Q. Sir, calling your attention back to the 29th day of	16	not been admitted at this point in time; is that correct?
	January, 2003, were you also called to be involved in the	17	THE COURT: That's correct.
	investigation of a homicide that occurred at the penitentiary	18	MR. DURHAM: Thank you.
	in the Clements Unit?	19	THE COURT: Okay. This exhibit has been marked
20		20	what now?
21	Q. During that time, what did you do initially?	21	MR. YONTZ: This will be 6-A.
22	A. I was assigned to assist Investigator Tim Burge, who	22	THE COURT: Okay. Hand that to Mr. Crandell,
23		23	then.
24		24	Q. (BY MR. YONTZ) Marked this one as 6-A. Can you
1	factory or boot factory where the offense had occurred.	25	identify what's in that particular bag?
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	Q. Sir, as a part of that investigation, did you have	1	A. Yes, sir.
	occasion to take photographs?	2	Q. Would you take it out for us?
3		3	A. (Witness complies)
1 4	Q. I'll show you what's marked as State's Exhibit	4	MR. YONTZ: Your Honor, I would request defense
5	No. 51, and ask if you recognize that?	5	counsel come to this location to examine these.
6		6	THE COURT: Okay. You're offering now?
7		7	MR. YONTZ: 6-A.
8		8	THE COURT: 6-A being the sack. What have you
	knives in the tool bin of the boot factory.	9	marked the what you removed from 6-A?
10		10	MR. YONTZ: Well, this particular knife, I
111	A. Yes, I did.	11	marked as 6-A.
12		12	THE COURT: Okay. What was the sack? No, that
1	on it that says "State's Exhibit No. 6, 10 knives." Are you	13	sack was State's 6. What's the smaller sack marked?
	familiar with the contents of that bag?	14	MR. YONTZ: The smaller sack is not marked.
15		15	THE COURT: Oh, I'm sorry, I thought I saw you
16		16	put a sticker on it.
17		17	MR. YONTZ: No, sir.
18		18	THE COURT: Okay. Any objection to 6-A?
19		19	MR. DURHAM: No. Where is 16, the picture of
20	- and the state of the state of the base	20	
21	MR. DURHAM: The tag is what he's admitting or	21	MR. YONTZ: State's Exhibit 51.
1	the bag and contents?	22	MR. DURHAM: No, they appear to be the same.
23		23	No objection.
24		24	
		1	
25	contents are before I can object or not object to it.	25	Q. (BY MR. YONTZ) I'll go ahead and mark that as

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1 State's 6-B, ask if you're familiar with that?	1	THE WITNESS: Yes, sir.	
2 A. Yes, sir.	2	THE COURT: And state your full name, please.	
3 MR. DURHAM: Your Honor, may I inquire into the	3	THE WITNESS: A.P. Merillat.	
4 relevance of marking each of these knives when we have a	4	A.P. MERILLAT,	
5 picture of the knives?	5	having been first duly sworn, testified as follows:	
6 MR.YONTZ: Defense counsel requested each one	6	DIRECT EXAMINATION	
7 identified individually. He wanted to see each one before he	7	BY MR. SIMS:	
8 could make his determination as to whether or not he would	8	Q. How are you employed, sir?	
9 admit them.	9	A. I'm a criminal investigator with the Special	
10 MR. DURHAM: Well, if they're duplications of	10	Prosecution Unit headquartered in Huntsville, Texas.	
11 State's 16, then I I'll object on grounds of duplicity.	11	Q. How long have you been so employed with that group?	
MR. YONTZ: Your Honor, this is State's Exhibit	12	A. About 16-1/2 years.	
13 16. Those knives are not duplicitous	13	Q. What is your educational background in regards to	
MR. DURHAM: Well, whatever the picture is.	14	law enforcement?	
15 I'm sorry, I'm just not smart enough to remember the numbers.	15	A. I'm a Certified Texas Peace Officer. I have been so	
16 Let me look at this and see. The number I'm talking about is	16	for since 1977. I worked for the Houston Police Department	
17 51.	17	for ten years, and I worked for the Huntsville Police	
18 THE COURT: Well, let's just stop arguing for a	18	Department for three years, then I've worked at this office	
19 minute. Is it the State's intention to offer each of those		for over 16. I've had about 1,700 hours of training in law	
20 knives?	20	enforcement type matters, criminal investigations, all types	
21 MR. YONTZ: All ten, yes, sir.	21	of situations like that.	
22 THE COURT: Okay. His objection went to you	22	Q. Have you also, based on your training and	
23 offering an exhibit that contained unknown items that would		•	
24 not be within the record. That was the basis of that.	24	and give lectures in regards to criminal investigations and	
Now, if we're going to go down through and	25	law enforcement related topics?	
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1 to have each of these in, then let's just take them all out of	1	A. Yes, sir. I've written five books in law	
2 the sack and mark them 6-A infinitum, then.	2	enforcement related topics. I've given seminars to college	
3 Actually, let's have someone else do it while		students, to prosecutors and investigators, police officers	
4 you continue your interrogation. There are folks here from		throughout the state of Texas. I've testified numerous times	
5 the office that can mark these things.		across the state and in the state of Florida as an expert in	
6 MR. YONTZ: That's fine.		various types of criminal investigations, bloodstain	
7 Your Honor, pending the admission of those	7	interpretation, fingerprints, and violence, particularly in	
8 particular items, I have no further questions.	8	the penitentiary.	
9 THE COURT: Any cross-examination, Mr. Durham?	9	Q. In addition to your generalized knowledge in regards	
10 MR. DURHAM: No.	1	to criminal investigation and law enforcement related topics,	
11 THE COURT: Okay. Are you going to have		as a result of your work with the Special Prosecution Unit,	
12 questions after		have you developed an expertise in the specific area of Texas	
13 MR. YONTZ: No, sir.		prison system?	
14 THE COURT: they're marked?	14	MR. DURHAM: That's leading and bolstering.	
Okay. Well, then, you can step down, you're	15	THE COURT: Sustained.	
16 free to go.	16	Q. (BY MR. SIMS) Have you developed any expertise in	
17 THE WITNESS: Thank you.	17	-	
18 THE COURT: Call your next witness.	18	MR. DURHAM: That's bolstering, Your Honor.	
19 MR. SIMS: A.P. Merillat.	19	That's not a proper predicate for the	
20 THE COURT: Raise your right hand, please, sir.	20	THE COURT: Rephrase the question, please.	
21 (Witness sworn)	21	MR. DURHAM: No predicate has been laid.	
22 THE COURT: If you would take a seat on the	22	Q. (BY MR. SIMS) Based on your experiences, have you gained any kind of particular expertise?	
23 witness stand, please.	23	A. Yes, I have.	
Once you get comfortable, make sure you're speaking directly into that microphone that just disappeared.	24 25		
	123	1711- 12 October 2012 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 - 2017 -	

Page 103  THE COURT: Sustaired.  MR. DURHAM: Instruction.  THE COURT: Jury will disregard the last 4 answer. 5 Q. (BY MR. SIMS) Do you specialize in any particular 6 arress? 7 A. Yes, I do. 8 Q. Based on what, sir? 9 A. Our office prosecutes prison crimes, and I have to 10 be familiar with the situation in prison as far as preparing 10 cases for trius. 11 Q. What are your specific responsibilities as Senior 12 Q. What are your specific responsibilities as Senior 13 Q. (BY MR. SIMS) What are due to the prison system of their inception, primarily in the 15 prison units across the state, cases of murch, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the grape of the state of the s	_	S. TRAVIS TREVINO RUNNELS		OCTOBER 27, 2003
2 MR DURHAM: Instruction 3 3 THE COURT: Jury will disregard the last 4 answer. 5 Q. (BY MR SIMS) Do you specialize in any particular 6 areas? 7 A. Yes, I do. 8 Q. Based on what, sir? 9 A. Our office prosecutes prison crimes, and I have to 10 be familiar with the situation in prison as far as preparing 1 assess for trivesigator for the Special Prosecution Unit? 10 Criminal Investigator for the Special Prosecution Unit? 11 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rpsc, hostage 15 giver, into trial, I work the trial will not laweyr, and then 19 we also go all the way through the appellate process until the 19 we also go all the way through the appellate process until the 19 we also go all the way through the appellate process until the 20 Q. Okay. Are you familiar with the classification process in 6 the Texas sprison system? 10 I prison violence in Texas. 11 Q. Would you explain that, please, sir? 12 Q. What so go all the way through the appellate process until the 19 prison violence in Texas. 12 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 13 A. Yes, I am. 14 A. Yes, I am. 15 Q. Would you explain that, please, sir? 16 A. Tree are S classifications. 17 Q. What does do those stand for? 18 That's a nonresponsive mswer. He gave us the purpose of the 19 prison violence in Texas. 19 A. Yes, I am. 10 Q. Would you explain that, please, sir? 20 A. Yes, I am. 21 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 22 Q. Okay. Are you familiar with the classification process in 6 the Texas sprison system? 23 A. Yes, I am. 24 Q. Okay. Are you familiar with the classification process in 6 the Texas sprison system? 25 Q. Would you explain that, please, sir? 26 Q. Would you explain that it is a corresponsive answer. He gave us the purpose of the prison system, the jobs he can have, and his time arming 15 classification, but he did not give us the classification of 19 you rehavior inside the pen		Page 103		Page 105
THE COURT: Jury will disregard the last 4 answer.  Q (BY MR SIMS) Do you specialize in any particular 6 areas?  7 A. Yes, I do. 8 Q Based on what, sir? 9 A. Our office prosecutes prison crimes, and I have to 10 be familiar with the situation in prison as far as preparing 11 cases for trial. 2 Q. What are your specific responsibilities as Senior 13 Criminal Investigator for the Special Prosecution Unit? 14 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 10 case is finalized. 21 Q. Have you previously testified in other courts as an 22 expert witners? 23 A. Yes, I have, many times. 24 Q. Specifically in regards to what area? 25 A. Primarily, I've been testifying in the area of  Page 104  I prison violence in Texas. 2 Q. Okay. Are you familiar with the classification process in 3 in the Texas prison system? 4 A. Yes, I am. 5 Q. Are you familiar with the classification process in 3 in the Texas system? 5 A. Yes, I am. 5 Q. Are you familiar with the classification process in 1 the treas prison system must will spend his time from the time 1 he gets to the prison system until the time he paroles. The 12 classification system governs where he lives, how be's housed, 13 how tightly he's secured, what his privileges are within the 14 classification hus the did not be provided by the prison system of the priso	1	THE COURT: Sustained.	1	"Yes, I am."
A sawer.	2	MR. DURHAM: Instruction.	2	"Explain that, please, sir."
5 designations under that system?  A. Yes, I do.  8 Q. Based on what, sir?  9 A. Our office prosecutes prison crimes, and I have to 10 be familiar with the situation in prison as far as preparing 11 cases for trial.  12 Q. What are your specific responsibilities as Senior 12 Criminal Investigator for the Special Prosecution Unit?  13 Criminal Investigator for the Special Prosecution Unit?  14 A. I take cases from trial.  15 prison units across the state, cases of murder, rupe, hostage 16 situations, things like that, I take those cases from their inception primarily in the 15 prison units across the state, cases of murder, rupe, hostage 16 situations, things like that, I take those cases from their inception primarily in the 15 prison units across the state, cases of murder, rupe, hostage 18 we also go all the way through the appellate process until the 20 case is finalized.  12 Q. Have you previously testified in other courts as an expert vitness?  13 A. Yes, I have, many times.  14 Q. Okay. Are you familiar with the classification process in the Texas prison system?  15 A. Yes, I am.  16 Q. What does that stand for?  17 A. Yes, I am.  18 Q. Would you explain that, please, sir?  18 A. Yes, sir. The classification system in Texas prison is the reract system?  19 prison violence in Texas.  10 Q. What does that stand for?  11 prison violence in Texas.  12 Q. Okay. Are you familiar with the classification process in the Texas prison system?  13 A. Yes, I am.  14 A. Yes, I am.  15 Q. What does that stand for?  16 A. The letter G.  17 Q. And the other general classification on unert in the violence in Texas.  18 Q. What does that stand for?  19 Q. Are you familiar with the classification process in the Texas system?  10 A. Yes, ir. The classification system in Texas prison is the erux of how an inmate will spend his time from the time of the prison system until the time he paroles. The classification system governs where he lives, how he's housed.  11 how tightly he's secured, what his privileges are within the clas	3	THE COURT: Jury will disregard the last	3	THE COURT: Objection is overruled.
6 areas?  7 Q. Would you explain those, please, sir?  9 A. Our office prosecutes prison crimes, and I have to be familiar with the situation in prison as far as preparing 11 cases for trial.  12 Q. What are your specific responsibilities as Senior Criminal Investigator for the Special Prosecution Unit?  14 A. I take cases from their inception, primarily in the prison statustions, things like that, I take those cases from their 2 inception through the investigation process, through the grand 13 jury, into trial. I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 2 cases if inalized.  12 Q. Have you previously testified in other courts as an 2 expert witness?  23 A. Yes, I have, many times.  24 Q. Specifically in regards to what area?  25 A. Primarily, I've been testifying in the area of  Page 104  1 prison violence in Texas.  2 Q. Okay. Are you familiar with how inmates are housed in the Texas system?  7 A. Yes, I am.  Q. What do each of those stand for?  1a statistication, and there are levels within that classification.  21 Q. What each of those stand for?  22 A. Yes, I have, many times.  24 Q. Specifically in regards to what area?  25 A. Primarily, I've been testifying in the area of  Page 104  1 prison violence in Texas.  2 Q. Okay. Are you familiar with how inmates are housed in the Texas system?  3 A. Yes, I am.  4 A. Yes, I am.  5 Q. Are you familiar with the classification process in 16 the Texas system?  9 A. Yes, i. The classification system in Texas prison 10 is the crux of how an immate will spend his time from the time 12 the gets to the prison system until the time be paroles. The 12 classification will be the paroles. The 12 classification will have the paroles. The 13 classification will be the paroles. The 14 classification wi	4	answer.	4	Q. (BY MR. SIMS) Are there specific classification
7 Q. Would you explain those, please, sir? 8 A. Yes, I do. 8 Q. Based on what, sir? 9 A. Our office prosecutes prison crimes, and I have to 10 be familiar with the situation in prison as far as preparing 1 cases for trial. 12 Q. What are your specific responsibilities as Senior 13 Criminal Investigator for the Special Prosecution Unit? 14 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage 1stuations, things like that, I take those cases from their 17 inception through the investigation process, through the grand 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 20 case is finalized. 21 Q. Have you previously testified in other courts as an 22 Q. Ape you familiar with how inmates are housed 3 in the Texas prison system? 22 A. Yes, I have, many times. 23 A. Yes, I am. 24 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 25 A. Yes, I am. 26 Q. Okay. Are you familiar with the classification process in 6the Texas system? 27 A. Yes, I am. 28 Q. Would you explain those, please, sir? 9 A. Yes, I am. 4. Yes, I am. 5 Q. What are all post of the process of the ferror of the process of the pr	5	Q. (BY MR. SIMS) Do you specialize in any particular	5	designations under that system?
8 A. Yes, sir. The classification system relies on two 10 be familiar with the situation in prison as far as preparing 11 cases for trial. 12 Q. What are your specific responsibilities as Senior 13 Criminal Investigator for the Special Prosecution Unit? 14 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the grand 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 10 case is finalized. 11 Q. Have you previously testified in other courts as an 12 expert witness? 13 A. Yes, I have, many times. 14 Q. Have you previously testified in other courts as an 12 expert witness? 13 A. Yes, I have, many times. 14 Q. Have you previously testified in other courts as an 15 expert witness? 16 A. The Satands for State Approved Trusty or SAT 19 prison violence in Texas. 19 Q. Okay. Are you familiar with how inmates are housed in the Texas prison system? 10 A. Yes, I am. 11 prison violence in Texas. 12 Q. What levels are within that classification? 13 A. Yes, I am. 14 A. Thake cases from their inception, primarily in the dentifiers? 15 A. The satisfication, and there are levels within that classification? 16 are the letter G. elassification or Q. What levels are within that classification? 17 Q. What levels are within that classification? 18 A. Yes, is in. The classification system of their dentifiers? 19 A. Yes, I am. 20 Q. Glay. Are you familiar with how inmates are housed in the Texas prison on is the crux of how an inmate will spend his time from the time. 11 he gets to the prison system until the time he paroles. The letter G. A. Yes, sir, The classification with the served of the classification or process in the purpose of the prison system, the jobs he can have, and his time from the time. Propose of the prison system, the jobs he can have, and his time carni	6	areas?	6	A. Yes, there are.
9 basic factors. 10 be familiar with the situation in prison as far as preparing lasses for trial. 11 Q. What are your specific responsibilities as Senior or C. What is serior their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage is situations, things like that, I take those cases from their inception through the investigation process, through the grand 18 jury, into trial, I work the trial with our lawyers, and then 90 case is finalized. 12 Q. Have you previously testified in other courts as an expert witness? 13 A. Yes, I have, many times. 14 Q. Specifically in regards to what area? 15 A. The stands for State Approved Trusty or SAT 19 classification. 16 prison violence in Texas. 17 Q. What levels are within that classification? 18 jury, I row the study of the appellate process until the 19 prison violence in Texas. 19 Q. Would you explain that, please, sir? 20 A. Yes, I am. 30 Q. Would you explain that, please, sir? 31 A. Yes, I am. 32 Q. Would you explain that, please, sir? 33 A. Yes, I am. 34 Q. Would you explain that, please, sir? 35 A. Yes, Sir. The classification spatem in Texas prison is the crux of how an inmate will spend his time from the time in the person system, the jobs he can have, and his time carning classification. All of those are part of the classification, 20 which was the question.  17 MR, DURHAM: I'm going to object, Your Honor. 18 THE COURT: Okay. Maybe we ought to stay away 11 from narrative answers, then, and just ask direct questions, 12 please. 13 Q. (BY MR. SIMS) What are the specific classification. 14 identifiers? 15 A. There are S classifications, the letter S, and there are bevels within that classification. 17 Q. What is deeter G. lassifications. 18 A. The S stands for State Approved Trusty or SAT 19 classification. 19 classification and there are levels within that that classification? 20 A. S-1 is like a trusty or a real good immate. S-2, S-3 and S-4, the more misbehaved or more of a problem an immate 24 becomes, they lover in cla	7	A. Yes, I do.	7	Q. Would you explain those, please, sir?
10 be familiar with the situation in prison as far as preparing 11 cases for trial. 12 Q. What are your specific responsibilities as Senior 13 Criminal Investigator for the Special Prosecution Unit? 14 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the grand 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 10 case is finalized. 11 Q. Have you previously testified in other courts as an 12 expert witness? 13 A. Yes, I have, many times. 14 Q. Specifically in regards to what area? 15 A. Primarily, I've been testifying in the area of  16 Page 104 1 prison violence in Texas. 17 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 18 A. Yes, I am. 19 Page 104 1 prison violence in Texas. 20 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas system? 21 A. Yes, I am. 22 Q. Okay. Are you familiar with the classification process in 23 G. Q. Are you familiar with the classification process in 24 G. What doe each of those stand for? 25 A. Primarily, I've been testifying in the area of  17 Q. What love cash of those stand for? 18 A. The stands for State Approved Trusty or SAT 19 classification. 21 Q. What love and the time the least of case if the least fication. 22 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 23 A. Yes, I am. 24 Q. Okay. Are you familiar with the classification process in 25 the Texas prison system? 26 A. Yes, I am. 27 Q. What doe each of those stand for? 28 A. Stands for State Approved Trusty or SAT 29 classification. 29 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 3 A. Yes, I am. 4 Q. Would you explain that, please, sir? 5 A. I have no idea what the letter G stands for. It's 6 just a letter the prison issued for	8	Q. Based on what, sir?	8	A. Yes, sir. The classification system relies on two
11 Command Investigator for the Special Prosecution Unit? 12 Q. What are your specific responsibilities as Senior 13 Criminal Investigator for the Special Prosecution Unit? 14 A. I take cases from their inception, primarily in the 5 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the grand 18 jury, into trial, I, work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 20 case is finalized. 21 Q. Have you previously testified in other courts as an 22 expert witness? 23 A. Yes, I have, many times. 24 Q. Specifically in regards to what area? 25 A. Primarily, I've been testifying in the area of  Page 104  1 prison violence in Texas. 2 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas sprison system? 4 A. Yes, I am. 5 Q. Are you familiar with the classification process in 6 the Texas system? 5 Q. Are you familiar with the classification process in 6 the Texas system? 6 A. Yes, I am. 7 Q. And the other general classification you mentioned 2 is what? 8 Q. Would you explain that, please, sir? 9 A. Yes, Sir. The classification system in Texas prison 10 is the crux of how an inmate will spend his time from the time that prison system, the jobs he can have, and his time earning classification, and there are levels within that classification? 2 A. Set is like a trusty or a real good inmate. Se2, Se3, and Se4, the more misbehaved or more of a problema in innate 2 because, they lower in classification. In other words, 2 is 3 and Se4, the more misbehaved or more of a problema in innate 2 because, they lower in classification, not the classification or a real good inmate. Se2, Se3, and Se4, the more misbehaved or more of a problema in innate 2 because, they lower in classification, on the rear levels within that classification? 2 Q. Okay. Are you familiar with the classification or lower or a real good inmate. Se2, Se3, and Se	9	A. Our office prosecutes prison crimes, and I have to	9	basic factors.
12 Q. What are your specific responsibilities as Senior 13 Criminal Investigator for the Special Prosecution Unit?  14 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their inception, primarily in the 215 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their inception, primarily in the 215 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their inception, primarily in the 215 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their inception, primarily in the 215 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their inception, primarily in the 220 primarily inception through the investigation process, in the 220 primarily inception through the investigation process until the 221 prison violence in Texas.  2 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system?  2 Q. Okay. Are you familiar with the classification process in 6 the Texas system?  3 A. Yes, I am.  4 Q. What does that stand for?  5 Q. Are there any subclassification you mentioned 2 is what?  5 Q. Are there any subclassifications under it?  6 put a prison violence in Texas.  1 Q. And the other general classification in other words, 2 is 2 bad, 3 is worse, 4 is real bad.  Page 104  1 prison violence in Texas.  2 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system?  3 A. Yes, I am.  5 Q. Are there any subclassification you mentioned 2 is what?  5 Q. Are there any subclassification under it?  6 put a prison violence in Texas.  9 Q. What does that stand for?  9 Q. What of the classification under it?  10 Q. What is G-1, X, Yes, Sir, The classification process in the Texas prison system, the job	10	be familiar with the situation in prison as far as preparing	10	THE COURT: Okay. Maybe we ought to stay away
13 Criminal Investigator for the Special Prosecution Unit? 14 A. I take cases from their inception, primarily in the 15 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the grand flant 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 20 case is finalized. 21 Q. Have you previously testified in other courts as an 22 expert witness? 23 A. Yes, I have, many times. 24 Q. Specifically in regards to what area? 25 A. Primarily, I've been testifying in the area of 26 prison violence in Texas. 27 Q. Okay. Are you familiar with how inmates are housed in the Texas prison system? 28 A. Yes, I am. 29 Q. Okay. Are you familiar with how inmates are housed in the Texas prison system? 30 A. Yes, I am. 31 prison violence in Texas. 32 Q. Okay. Are you familiar with the classification process in 6 the Texas system? 33 A. Yes, I am. 44 A. Yes, I am. 55 Q. Are you familiar with the classification process in 6 the Texas system? 56 the Texas system? 77 A. Yes, I am. 88 Q. Would you explain that, please, sir? 99 A. Yes, sir. The classification system in Texas prison 10 is the crux of how an inmate will spend his time from the time 12 classification. All of those are part of the classification 16 system. 19 Legisto to the prison system governs where he lives, how he's housed, 19 house you have the play looks. The lassification which was the question, 20 What is 67-1; a well-behaved inmate, doesn't present 16 problems, is a minimal custody type inmate. 19 Q. What is G-3? 20 Q. What is G-3? 21 MR. YONTZ: Sir? 22 MR. SIMS) What are the specific classifications. 24 identifiers? 25 Lake the elter G classifications. 26 Letter G classifications. 27 Q. What does that stand for? 28 A. Yes late the prison issued for that classification. 29 Q. What ace the tere S classification. In other words, 2 is what? 30 I have the more mischaved or	11	cases for trial.	11	from narrative answers, then, and just ask direct questions,
1.4 A. I take cases from their inception, primarily in the 1.5 prison units across the state, cases of murder, rape, hostage 1.6 situations, things like that, I take those cases from their 1.7 inception through the investigation process, through the grand 1.8 jury, into trial, I work the trial with our lawyers, and then 1.9 we also go all the way through the appellate process until the 1.0 case is finalized. 1.1 Q. Have you previously testified in other courts as an 1.2 expert withness? 1.2 expert withness? 1.3 A. Yes, I have, many times. 1.4 Q. Specifically in regards to what area? 1.5 A. Primarily, I've been testifying in the area of 1.5 Q. Okay. Are you familiar with how inmates are housed. 1.5 Q. Okay. Are you familiar with how inmates are housed. 1.5 Q. Okay. Are you familiar with the classification process in 1.5 Q. Are you familiar with the classification process in 1.6 the Texas system? 1.7 A. Yes, I am. 1.8 Links the case of murder, rape, hostage to the letter G classification. 1.9 Q. Mad the other are levels within that classification? 1.1 Q. What is devised are within that classification? 1.2 What levels are within that classification? 1.3 I with the classification of more of a problem an inmate 24 becomes, they lower in classification. In other words, 2 is 1.5 day, 3 is worse, 4 is real bad. 1.5 Q. And the other general classification you mentioned 1.5 what? 1.6 Q. And the other general classification you mentioned 1.7 Q. And the other general classification you mentioned 1.8 Links and the letter G. 1.9 Q. What does that stand for? 1.9 Q. And the other general classification you mentioned 1.1 Q. And the other general classification on under it? 1.2 Q. What does that stand for? 1.3 A. The letter G. 1.4 Q. What does that stand for? 1.5 A. The letter G. 1.6 Q. And the other general classification you mentioned 1.7 Q. Are there any subclassification under it? 1.8 A. Yes, sir, there are love. 1.9 Q. What is G-1, 2, 3, and 4, and there's a 5 as well, G-5. 1.9 Q. What is G-1? 1.9 Q. What is G-1? 1.9 Q. Wha	12	Q. What are your specific responsibilities as Senior	12	please.
15 prison units across the state, cases of murder, rape, hostage 16 situations, things like that, I take those cases from their 17 inception through the investigation process, through the grand 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 20 case is finalized. 21 Q. Have you previously testified in other courts as an 22 expert witness? 22 expert witness? 23 A. Yes, I have, many times. 24 Q. Specifically in regards to what area? 25 A. Primarily, I've been testifying in the area of  Page 104 1 prison violence in Texas. 2 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system? 2 A. Yes, I am. 3 Q. Are you familiar with the classification process in 6 the Texas system? 3 A. Yes, I am. 4 Q. What does that stand for? 5 A. I have no idea what the letter G stands for. It's 6 just a letter the prison issued for that classification. 5 Q. Are when the firms the time time 1 he gets to the prison system until the time he paroles. The 12 classification, All of those are part of the classification, which was the question. 2 MR. DURHAM: I'm going to object, Your Honor. 18 That's a nonresponsive answer. He gave us the purpose of the 19 classification, but he did not give us the classification, which was the question. 2 MR. YONTZ: Sir? 3 MR. YONTZ: Sir? 4 MR. YONTZ: Sir? 4 MR. YONTZ: Sir? 5 MR. PORTER: "Are you familiar with the 19 with the 20 sassification, but he did not give us the classification, which was the question. 2 MR. YONTZ: Sir? 3 MR. YONTZ: Sir? 4 A. The S stands for State Approved Trusty or SAT 19 classification, and there are levels within that classification. 2 Q. What is carried to cache in the gassification, and there are levels within that classification and for? 3 A. The I state of the sasification. In other words, 2 is 2 bad, 3 is worse, 4 is real bad.  Q. And the other general classification you mentioned 2 is what? 3 A. The letter G. 4 Q. What does that stand for? 5 A. I have no idea what the	13	Criminal Investigator for the Special Prosecution Unit?	13	Q. (BY MR. SIMS) What are the specific classification
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17 inception through the investigation process, through the grand 18 jury, into trial, I work the trial with our lawyers, and then 19 we also go all the way through the appellate process until the 20 case is finalized.  21 Q. Have you previously testified in other courts as an 2 expert witness?  22 A. Yes, I have, many times.  23 A. Yes, I have, many times.  24 Q. Specifically in regards to what area?  25 A. Primarily, I've been testifying in the area of  Page 104  1 prison violence in Texas.  2 Q. Okay. Are you familiar with how inmates are housed 3 in the Texas prison system?  4 A. Yes, I am.  5 Q. Are you familiar with the classification process in 6 the Texas system?  7 A. Yes, I am.  8 Q. Would you explain that, please, sir?  9 A. Yes, sir. The classification system in Texas prison is the crux of how an inmate will spend his time from the time 11 he gels to the prison system where he lives, how he's housed, 18 how tightly he's secured, what his privileges are within the 14 prison system, the jobs he can have, and his time carning 15 classification. All of those are part of the classification, which was the question.  21 MR. DURHAM: I'm going to object, Your Honor. 18 That's a nonresponsive answer. He gave us the purpose of the 19 classification, but he did not give us the classification, 21 THE COURT: What was the question, do you 22 remember?  23 MR. YONTZ: Sir?  24 THE REPORTER: "Are you familiar with the	15	prison units across the state, cases of murder, rape, hostage	15	A. There are S classifications, the letter S, and there
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- 1 number.
- Q. Okay. Do G-3s have any specific subcategory in
- 3 regards to aggravated or nonaggravated offenses?
- 4 A. Yes, sir.
- O. What are those, sir?
- A. A G-3 inmate is an inmate, among other things, but
- 7 primarily an inmate who comes into the prison system with an
- 8 aggravated offense, like aggravated rape, robbery, murder,
- 9 capital murder, such as that. He will be a G-3 inmate, and 10 he'll be classified as such for a minimum of ten years.
- And if he has a nonaggravated sentence of 50
- 12 years or more, for whatever crime, he'll be a G-3 inmate for a
- 13 minimum of five years before he can be eligible to be elevated
- 14 in his G classification.
- O. And included in that inmates that have been 15
- 16 convicted of capital murder?
- 17 A. Yes, sir.
- 18 Q. Explain how they wind up as a G-3.
- 19 A. It's an automatic classification. A capital
- 20 murderer or a -- what we call a straight murderer, when he
- 21 comes in the penitentiary, will automatically be classified as
- 22 G-3. And like I said, if it's an aggravated sentence, he'll
- 23 have to stay that way for ten years.
- 24 O. What is G-4?
- A. G-4 is a closed custody inmate. 25

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- 1 O. G-5?
- A. That's also a closed custody or an Ad Segregated 2
- 3 type inmate.
- Q. You indicated earlier you're familiar with how
- 5 inmates are housed --
- 6 A. Yes, sir.
- 7 Q. -- is that correct?
- 8 A. Yes, sir.
- 9 Q. Explain how capital murder convictions are generally
- 10 housed.
- A. A G-3 inmate, like I said, he'll be automatically 11
- 12 classified as G-3. He will be housed in general population
- 13 with a cell mate. He could have a cell mate who happens to be
- 14 a G-2 or a G-1 inmate. He could be housed with a DWI
- 15 offender, for example.
- 16 The -- the G simply tells the prison officials
- 17 what kind of sentence that man has, not necessarily what the
- 18 details of his crime were that brought him to the
- 19 penitentiary. They're free to come and go from their cells.
- 20 They're not handcuffed when they're leaving their cells. They
- 21 can go to work, visitation, church, medical, chow, unescorted.
- The G-3, like I said, simply tells them what 22
- 23 kind of sentence --
- MR. DURHAM: Your Honor, we've gotten into a 24
- 25 very nonresponsive area here to the question, I believe.

- 1 THE COURT: Let's move back away from narrative
- 2 responses and questions, please.
- Q. (BY MR. SIMS) Are those -- would a capital murderer
- 4 indicated as a G-3, are they going to be isolated or with
- others?

6

- A. No, sir, they will not be isolated.
- 7 Q. Are there certain stipulations that are placed on
- 8 inmates at times?
- A. Yes, sir.
- 10 Q. Are they broken down into any specific categories?
- 11 A. Yes, sir.
- 12 Q. What are those categories?
- A. That would be in the G classification, the 4 and the
- 14 5, and also the line classification, which would be a No. 3.
- 15 4, or 5, but it's for their behavior after their arrival at
- 16 the penitentiary.
- 17 Q. How does their behavior in the penitentiary affect
- 18 their status?
- 19 A. The more problems they present to the prison
- 20 officials, the tighter they are housed or restricted in their
- 21 freedoms with inside the penitentiary.
- 22 Q. If they behave appropriately, are they rewarded?
- 23 A. Yes, sir.
- 24 Q. How so?

25

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- A. First of all, they can earn more time for -- during
- 1 their sentence. They can earn opportunities to use the
- 2 telephone. They can earn recreational opportunities, more
- 3 visitation type privileges, opportunities to have more items
- 4 in their cells, make life more comfortable.
- Q. Describe specifically how capital murder defendants
- 6 that receive a life sentence are classified.
- A. They're classified as a G-3 and put into general
- 8 population.
- Q. How are capital murder defendants convicted and
- 10 sentenced to the death penalty classified?
- 11 A. They are sent directly to death row and classified
- 12 separately according to their system, but it's -- they're
- 13 still put into Ad Seg, or segregation on death row in
- 14 Polunsky.
- 15 Q. Explain what Ad Seg is.
- A. It's an abbreviation for Administrative Segregation, 16
- 17 and any inmate can be housed in Ad Seg for disciplinary
- 18 problems, but death row is Ad Seg. It's a very restrictive
- 19 housing custody and it's only found at the Polunsky Unit for
- 20 males, which is in Livingston, Texas, and it's in the Ad Seg
- 21 building.

- Q. Have you ever heard the term "closed custody"? 22
- A. Yes, sir, I've heard that term. 23
  - Q. Does that have anything to do with death row?
- A. Death row inmates are closed custody, yes, sir. 25

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- 1 Q. Explain to the ladies and gentlemen of the jury what 2 closed custody means.
- A. As it applies to death row, it means they have to
- 4 be -- an inmate has to be handcuffed when he leaves his cell.
- 5 He has to be escorted by two officers. He cannot co-recreate
- 6 with other inmates, he can't eat outside of his cell, very
- 7 restrictive housing and custody.
- 8 Q. Do all capital murder convictions result in a closed 9 custody status?
- 10 A. No, sir, only the death penalty ones.
- O. Briefly describe the security on death row.
- 12 A. As I said, it's very -- very tight security. An
- 13 inmate spends 23 hours a day inside that cell. He can only
- 14 come out when he's handcuffed and escorted by two officers.
- 15 He has to single recreate -- recreate by himself. He has to
- 16 be escorted to a shower once a day, if he chooses to. Then
- 17 he's back in his cell, he eats inside his cell, very
- 18 restrictive custody.
- 19 Q. So is there Administrative Segregation on other
- 20 places other than death row?
- 21 A. Yes, sir, there is.
- Q. Okay. Is that the highest level of security that
- 23 there is?
- 24 A. No, sir, it's not.
- 25 Q. What's the highest level of security?

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- A. The highest we have now is called high security and
- 2 there are a few units in the state that have high security
- 3 buildings which are separate from the main buildings.
- Q. What is different about high security versus Ad Seg?
- A. High security is for inmates who were in Ad Seg that
- 6 could not be controlled even in Ad Seg. They have to have a
- 7 more tight custody. So they have these special buildings 8 where inmates are virtually out of one-on-one contact with
- 6 Whole limited are virtually out of one on one contact with
- 9 prison guards. The buildings are designed so that everything
- 10 can be done for an inmate without personal contact between a
- 11 guard and that particular inmate.
- He remains in his cell 23 hours a day, he
- 13 showers in his cell, he eats in his cell. He comes out --
- 14 like on death row, he comes out under handcuffs to a
- 15 single-man rec yard. It's very -- extremely strict housing,
- 16 but it's only for certain levels of inmates.
- 17 Q. What level of inmate would get to that point?
- 18 A. It's an Ad Seg inmate who cannot be controlled in Ad
- 19 Seg.
- 20 Q. Are there efforts by the prison system to try to
- 21 negate violence inside its system?
- 22 A. Yes, sir. That's how our office came into
- 23 existence.
- Q. And the office has been in existence for how long?
- 25 A. Twenty-one years.

- Q. In addition do the Department of Corrections take
- 2 actions themselves to try to negate violence inside the prison

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- 3 system?
- 4 A. Yes, sir. Yes, sir, that's true.
- Q. Would few or many of most of the regulations that
- 6 are imposed inside a prison be based on security and
- 7 protection?
- 8 A. Yes, sir. The primary factor for the restrictions
- 9 inside the penitentiary are safety oriented.
- 10 Q. Okay. Now, in regards to your function with the
- 11 Special Prosecution Unit, do you have the opportunity to keep
- 12 up with statistics in regards to the state of Texas regarding
- 13 violence in the prison system?
  - A. Yes, I do.
- 15 Q. How long have you been doing that, sir?
- 16 A. Since I've been there. We have to report to the
- 17 governor's office every year.
- 18 Q. Okay. What is the trend in regards to assaultive
- 19 behavior --

14

- 20 MR. DURHAM: Predicate. There has been no
- 21 showing that he has --
- THE COURT: We haven't even heard the end of
- 23 the question.
- 24 MR. DURHAM: Oh, okay, I'm sorry. Withdrawn.
- 25 Q. (BY MR. SIMS) Have you collected -- specifically

- 1 collected numbers in regards to the assaultive behavior -- or
- 2 assaultive cases inside the prison system?
- A. Yes, I have.
- 4 O. Okay. And how long have you been keeping a record
- 5 of that, sir?
- A. For over 16 years; since I've been there.
- 7 Q. Have you noticed any kind of trend in regards to
- 8 those numbers?

11

13

- 9 MR. DURHAM: Objection. I want to take the
- 10 witness on voir dire --
  - THE COURT: Go right ahead, sir.
- MR. DURHAM: -- to test the statistics.
  - THE COURT: Be seated.
  - VOIR DIRE EXAMINATION
- 15 BY MR. DURHAM:
- 16 Q. Officer, these statistics you've prepared, do you
- 17 investigate the report?
- 18 A. Do I investigate the report?
- 19 Q. Yes, to determine that it was, in fact, an assault?
- 20 A. Oh, yes, sir, yes, sir.
- 21 Q. You do?
- 22 A. Yes, sir.
- 23 O. You investigate each one of them?
- 24 A. We investigate each one to see if it --
- 25 Q. No, sir, not we, you.

Page 115 1 A. No, sir, I personally don't investigate each one. 2 Q. Okay. So yen "you do not have any reliable base 3 for your statistical analyses, do you? 4 A. Nes, 1 do. 5 Q. You do? 6 A. Yes, 7 Q. What constitutes an assault? 8 A. Contact — in the prison system, contact between a prison inmate and another immate or a guard or an employee or 10 a visiter. 11 Q. Any contact? 11 Q. Any contact? 12 A. Any contact that's consideration? 13 to that person. 14 Q. And that is a subjective consideration? 15 A. No, sir, not in my view. 16 Q. Well, if I say I consider the contact offensive, 17 bah's an assault, incit it? 18 A. That's — you as a reportee, would tell me that and 19 I would have in investigate to determine whether or not—21 words, your base for assault incheds anything as simple as 22 throwing water on a guard would be an assault it? 20 Q. But you have not investigate to determine whether or not—22 words, your base for assault incheds anything as simple as 22 throwing water on a guard. would be an assault wouldn't it? 23 A. That's correct. 4 Q. Whether the quard was hi with it or not? 2 A. Yes, sir. 4 Q. Owner than the follow of the probably. 5 A. If it bounces off the floor and splashes 4 on him, that would be an assault? 5 A. If it bounces of the floor and hits him? 6 Q. Yes. 7 A. Technically, it could be, probably. 8 Q. Uh-that. Not it could be included in your statistical base, do 11 you take into consideration the nature of the expansion of the 12 prison system? 13 A. I don't understand what you mean by that. 4 Q. Well there are more personers than there were 16 to your statistical conditions of the 2 prison system? 14 Q. Qokay. And do — what is your mathematical factor of or determining the effect of increased population and prison of the determinence, and we — whether is no basis for the sentences of the determining the effect of increased population and prison of the determining the effect of increased population and prison of the determining the effect of increased population and prison of the d	VS	S. TRAVIS TREVINO RUNNELS		OCTOBER 27, 2005
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4 THE COURT: Sustained.  5 Q. You do?  6 A. Yes.  7 Q. What constitutes an assault?  8 A. Contact - in the prison system, contact between a 9 prison immet and another immate or a guard or an employee or 10 a visitor.  10 a visitor.  11 Q. Any contact that's considered offensive or harmful 13 to that presson.  12 Q. Any contact that's considered offensive or harmful 13 to that presson.  13 Q. Any contact that's considered offensive or harmful 13 to that presson.  14 Q. And that is a subjective consideration?  15 A. No, sir, not in my view.  16 Q. Well, if I say I consider the contact offensive, 16 MR. DURHAM: Object - 15 THE COURT: You have got to let the man - 15 Prison assault, sir, int' in my view.  16 Q. Well, if I say I consider the contact offensive, 17 that's an assault, sir, int' in my view.  16 Q. Well, if I say I consider the contact offensive, 18 A. That's - you as a reporte, would tell me that and 19 I would have to investigate to determine whether or not - 21 words, your have not investigate to determine whether or not - 22 Q. But you have not investigated each case, in other 21 words, your have for assault includes anything as simple as 22 throwing water on a guard, would be an assault, wouldn't it? 22 I throwing water on a guard, would be an assault, wouldn't it? 23 A. That's correct.  Page 116  1 Q. Oh. It has to splash on him?  2 A. Yes, sir.  9 Q. By Was. SMS: Substant Proposably.  10 Q. That would be an assault?  11 MR. DURHAM: Object - 15 prison system?  12 I words, your have for investigated each case, in other 20 (BY MR. SIMS) MR. DURHAM: I'm sorry.  22 Unfamiliar?  13 A. That's correct.  24 Q. Whether the garned was hit with it or nor?  25 Q. But you throw it and it hits the floor and splashes 4 on him, that would be an assault?  26 Q. Yes, 7.  27 A. Technically, it could be, probably.  28 Q. Unl-huh. So it could be, probably.  39 Q. Unl-huh. So it could be included in your statistical base, do 11 you take into consideration the nature of the expansion of the 12 prison system?  19 Q. What	3		3	him testifying about statistical trends.
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6 DIRECT EXAMINATION - Cont'd 7 Q. What constitutes an assault? 8 A. Contact - in the prison system, contact between a 9 prison immate and another immate or a guard or an employee or 10 a visitor. 11 Q. Any contact that's considered offensive or harmful 12 A. Any contact that's considered offensive or harmful 13 to that person. 14 Q. And that is a subjective consideration? 15 A. No, sir, not in my view. 16 Q. Well, if I say I consider the contact offensive, 17 that's an assault, isn't it? 18 A. That's - you as a reportee, would tell me that and 19 I words, your base for assault includes anything as simple as 22 throwing water on a guard, would be an assault, wouldn't it? 24 Q. Whether the guard was hit with it or not? 25 A. That's correct. 26 Q. Whether the guard was hit with it or not? 27 A. That is not correct. 28 Q. Whether the guard was hit with it or not? 29 A. Yes, sir. 30 Q. If you throw it and it hits the floor and splashes 4 on him, that would be an assault? 50 A. That's correct. 51 Page 116 52 A. That's not correct. 52 Q. Whether the guard was hit with it or not? 53 A. That is not correct. 54 Q. Whether the guard was hit with it or not? 55 A. That is not correct. 55 A. That's correct. 56 Q. Yes. 77 A. That is not correct. 57 A. That is not correct. 58 Page 116 59 Q. Whether the guard was hit with it or not? 50 Q. Whether the guard was hit with it or not? 50 A. Yes, sir. 60 Q. Yes. 70 A. That is not correct. 60 Q. Whether the guard was hit with it or not? 61 A. Yes, sir. 61 A. That is not correct. 62 Q. Whether the guard was hit with it or not? 63 Q. If you throw it and it hits the floor and splashes 64 on him, that would be an assault? 65 A. That is not correct. 65 Page 116 66 Q. Well there are more prisoners than there were 16 67 Q. Yes. 78 A. That's not could be, included in your statistical base, do 68 Q. Whether the guard was hit with it or not? 69 Q. Well there are more propher - if there are more 60 Q. Well there are more people - if there are more 610 A. Yes, sir. 611 Q. Okay. So there are prob	5		5	MR. DURHAM: Thank you.
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8 Q. Are you familiar with the numbers of assaultive 9 prison immate and another immate or a guard or an employee or 10 a visitor. 11 Q. Any contact? 11 Q. Any contact that's considered offensive or harmful 13 to that person. 14 Q. And that is a subjective consideration? 15 A. No, sir, not in my view. 16 Q. Well, if I say I consider the contact offensive, 17 that's an assault, isn't it? 18 A. That's you as a reportee, would tell me that and 19 I would have to investigate to determine whether or not 10 Q. Well, if I say to unkny or investigated each case. In other 12 words, your base for assault includes anything as simple as 12 throwing water on a guard, would be an assault, wouldn't it? 13 A. That's correct.  Page 116 1 Q. Oh. It has to splash on him? 2 A. Yes, sir.  Page 116 1 Q. Oh. It has to splash on him? 2 A. Yes, sir.  Page 116 1 Q. Oh. It has to splash on him? 3 Q. If you throw it and it hits the floor and splashes 4 on him, that would be an assault, 4 on him, that would be an assault, 5 A. Technically, it could be, probably. 6 Q. Yes. 7 A. Technically, it could be included in your statistical 9 base. 10 Now, in arriving at your statistical 10 Speace. 11 D. Well there are more prisoners than there were 16 12 prison system? 13 A. That's correct.  Page 116 1 Q. Well there are more prisoners than there were 16 10 Q. Yes, Sir. 11 A. Yes, sir. 12 Q. (BYMR, SIMS) Are you familiar with the numbers of assaultive 13 Q. (BYMR, SIMS) Are you familiar with the mumbers of assaultive 14 MR. DURHAM: Object 15 THE COURT: val keep quot to the the man 16 Q. (BYMR, SIMS) Are you familiar with the numbers of assaultive 17 THE COURT: vale to quot the number of 20 immater on- 28 in the prison system? 29 Q. (BYMR, SIMS) Are you familiar with the numbers of assaultive 29 Q. (BYMR, SIMS) Are you familiar with the number of 20 immater on- 20 Q. Well MR, SIMS) Are you familiar with the number of 20 immater on- 21 well with the numbers of assaultive 29 Q. (Well MR, SIMS) Are you familiar with the numb	1 7		7	
9 prison inmate and another inmate or a guard or an employee or 10 a visitor.	8	•	8	
10 a visifor.   10 Q. reports?   11 A. Yes, sir.   12 Q. How many assaultive reports were reported in the   13 to bat person.   14 A. Yes, sir.   15 A. No, sir, not in my view.   15 THE COURT: You have got to let the man	1 .	- · · · · · · · · · · · · · · · · · · ·		•
11   A. Yes, sir.     12   A. Any contact that's considered offensive or harmful   13 to that person.   14   Q. And that is a subjective consideration?   15   A. No, sir, not in my view.   15   THE COURT: You have got to let the man -   16   Q. Well, if I say I consider the contact offensive,   16   MR. DURHAM: All right. Yes, sir.   17   THE COURT: You have got to let the man -   18   MR. DURHAM: All right. Yes, sir.   17   THE COURT: You have got to let the man -   18   MR. DURHAM: All right. Yes, sir.   18   MR. DURHAM: All right. Yes, sir.   19   Q. (But you have not investigate to determine whether or not -   20   Q. But you have not investigated each case. In other words, you base for assault includes anything as simple as   21   in the prison system?   22   Mr. That's correct.   23   MR. DURHAM: All right. Yes, sir.   19   Q. (By MR. SIMS) Are you familiar with the number of   20   (By MR. SIMS) Are you familiar with the number of   20   (By MR. SIMS) Based on your expertise, and we've   21   MR. DURHAM: All right. Yes, sir.   21   THE COURT: All right. Yes, sir.   22   (By MR. SIMS) Are you familiar with the number of   23   (By MR. SIMS) Based on your samiliar with the number of   24   THE WITNESS: Not for that year, no, sir.   25   Q. (By MR. SIMS) Based on your expertise, and we've   24   THE WITNESS: Not for that year, no, sir.   25   Q. (By MR. SIMS) Based on your expertise, and we've   25   Q. (By MR. SIMS) Based on your knowledge in regards to what   3 you've already expressed, is there any safe place in the   4 prison system?   5   A. If it bounces off the floor and splashes   4 prison system?   5   A. No, sir.   6   Q. Yes.   7   A. Technically, it could be, probably.   7   A. Tesh sin to consideration the nature of the expansion of the   12 prison system?   18   A. Tesh sin the prison system?   19   A. No, sir.   6   Q. Yes.   19   A. Tesh sin to consideration the nature of the expansion of the   19   A. Tesh sin to consideration the nature of the expansion of the   19   A. Tesh sin the pris	i			,
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13 prison system   14 Q. And that is a subjective consideration?   14 MR. DURHAM: Object   15 THE COURT: You have got to let the man   16 Q. Well, if I say I consider the contact offensive,   16 MR. DURHAM: All right. Yes, sir,   17 THE COURT: You have got to let the man   16 MR. DURHAM: All right. Yes, sir,   17 THE COURT: ask the question, please, sir.   18 A. That's you as a reportee, would tell me that and   18 MR. DURHAM: I'm sorry.   19 I words, your base for assault includes anything as simple as   22 throwing water on a guard, would be an assault, wouldn't it?   23 A. That's correct.   23 A. That's correct.   24 Q. Whether the guard was hit with it or not?   25 A. That is not correct.   26 Page 116   Q. Oh. It has to splash on him?   2 A. Yes, sir.   2 Based on your knowledge in regards to what   3 you've already expressed, is there any safe place in the   4 prison system?   2 hase.   3 Q. Uh-huh. So it could be included in your statistical base, do   11 you take into consideration the nature of the expansion of the   12 prison system?   12 A. That's correct.   12 Q. Okay. So there are probably going to be more   13 assaults. If there are more people if there are more cars, makes   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And do what is your mathematical factor   20 Q. Okay. And	12		12	•
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15 A. No, sir, not in my view. 16 Q. Well, if I say I consider the contact offensive, 17 that's an assault, isn't it? 18 A. That's you as a reportee, would tell me that and 19 I would have to investigate to determine whether or not 20 Q. But you have not investigated each case. In other 21 words, your base for assault includes anything as simple as 22 throwing water on a guard, would be an assault, wouldn't it? 23 A. That's correct. 24 Q. Whether the guard was hit with it or not? 25 A. That is not correct. 26 Page 116 1 Q. Oh. It has to splash on him? 2 A. Yes, sir. 3 Q. If you throw it and it hits the floor and splashes 4 on him, that would be an assault? 5 A. If it bounces off the floor and hits him? 6 Q. Yes. 7 A. Technically, it could be, probably. 8 Q. Uh-huh. So it could be included in your statistical pase. 10 Now, in arriving at your statistical base, do 11 you take into consideration the nature of the expansion of the 12 prison system? 10 Now, in arriving at your statistical base, do 11 you take into consideration the nature of the expansion of the 12 prison system? 10 A. Yes, sir. 11 THE COURT: - als fright. Yes, sir. 12 HR. DURHAM: I'm sorry. 13 A. I'w words murders assault she question, please, sir. 14 MR. DURHAM: I'm sorry. 15 MR. DURHAM: I'm sorry. 16 MR. DURHAM: I'm sorry. 16 Q. (BY MR. SiMS) Are you familiar with the number of innate on-sassult shat were reported in the year 2000 in the prison system? 12 THE COURT: - als the question, please, sir. 18 MR. DURHAM: I'm sorry. 19 Q. (BY MR. SiMS) Are you familiar with the number of innate on-sassult shat were reported in the year 2000 in the prison system? 12 THE COURT: Are you familiar with the number of innate on-sassult shat were reported in the year 2000 in the prison system? 12 THE COURT: Are you familiar with the number of innate on-sassult shat were reported in the year 1000 in the prison system? 12 THE COURT: As I was assaults assaults that were reported in the year 100 (BY MR. SiMS) Are you familiar with the number of 10 in the prison		•	l	
16 Q. Well, if I say I consider the contact offensive, 17 that's an assault, sin't is? 18 A. That's - you as a reportee, would tell me that and 19 I would have to investigate to determine whether or not - 20 Q. But you have not investigated each case. In other 21 words, your base for assault includes anything as simple as 22 throwing water on a guard, would be an assault, wouldn't it? 23 A. That's correct. 24 Q. Whether the guard was hit with it or not? 25 A. That is not correct. 26 Q. Whether the guard was hit with it or not? 27 A. Yes, sir. 28 Q. (BY MR. SIMS) Are you familiar or are you unfamiliar? 29 A. Yes, sir. 20 Q. (BY MR. SIMS) Are you familiar or are you unfamiliar? 30 Q. If you throw it and it hits the floor and splashes 4 on him, that would be an assault? 4 A. If it bounces off the floor and hits him? 5 A. If it bounces off the floor and hits him? 6 Q. Yes. 7 A. Technically, it could be, probably. 8 Q. Uh-huh. So it could be included in your statistical base. 9 base. 10 Now, in arriving at your statistical base, do 11 you take into consideration the nature of the expansion of the 12 prison system? 10 A. I don't understand what you mean by that. 11 Q. Well there are more prisoners than there were 16 15 years ago? 12 A. That's correct. 13 MR. DURHAM: All right. Yes, sir. 14 MR. DURHAM: All right. A lary with the number of 25 minute-on-inmate assaults that were reported in the year 2000 21 in the prison system? 22 THE COURT: Are you familiar or are you unfamiliar? 23 THE COURT: Are you familiar or are you unfamiliar? 24 THE WITNESS: Not for that year, no, sir. 25 Q. (BY MR. SIMS) Based on your expertise, and we've  Page 116 1 Q. Oh. It has to splash on him? 1 beard – I'll rephrase it. 2 Based on your knowledge in regards to what you've already expressed, is there any safe place in the prison system? 3 A. I don't understand what you mean by that. 4 prison system? 5 A. No, sir. 6 Q. At what level have you found offenses to occur as 7 far as the G rating? 8 A. Everywhere from the trusty camp to the chapel	1		15	-
17 that's an assault, isn't it? 18 A. That's - you as a reportee, would tell me that and 19 I would have to investigate to determine whether or not 20 Q. But you have not investigated each case. In other 21 words, your base for assault includes anything as simple as 22 throwing water on a guard, would be an assault, wouldn't it? 23 A. That's correct. 24 Q. Whether the guard was hit with it or not? 25 A. That is not correct. 26 Q. Whether the guard was hit with it or not? 27 A. That is not correct. 28 Q. Whether the guard was hit with it or not? 29 THE COURT: Are you familiar or are you 20 unfamiliar? 20 Q. (BY MR. SIMS) Based on your expertise, and we've  21 Page 116 22 THE WITNESS: Not for that year, no, sir. 23 Q. (BY MR. SIMS) Based on your expertise, and we've  24 THE witness. 25 Q. (BY MR. SIMS) Based on your expertise, and we've  26 Page 116 27 Page 116 28 Pased on your knowledge in regards to what 29 you've already expressed, is there any safe place in the 4 prison system? 5 A. If it bounces off the floor and hits him? 6 Q. Yes. 7 A. Technically, it could be, probably. 8 Q. Uh-huh. So it could be included in your statistical 9 base. 10 Now, in arriving at your statistical base, do 11 you take into consideration the nature of the expansion of the 12 prison system? 13 A. I don't understand what you mean by that. 14 Q. Well there are more prisoners than there were 16 15 years ago? 16 A. Yes, sir. 17 Q. Okay. So there are probably going to be more 18 assaults. If there are more propole if there are more 19 chances for a car wreck because there are more cars, makes 20 more chances, right? 21 A. That's correct. 22 Q. Okay. And do what is your mathematical factor 23 (Q. Okay. And do what is your mathematical factor 24 crowding upon your statistical conclusions?	1	•	16	_
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25 A. There is not a statistical analysis. Perhaps that's 25 question to be answered. There's no definition of murder.	13 14 15 16 17 18 19 20 21 22 23	A. I don't understand what you mean by that. Q. Well there are more prisoners than there were 16 years ago? A. Yes, sir. Q. Okay. So there are probably going to be more assaults. If there are more people if there are more chances for a car wreck because there are more cars, makes more chances, right? A. That's correct. Q. Okay. And do what is your mathematical factor for determining the effect of increased population and prison	13 14 15 16 17 18 19 20 21 22 23	Q. What about Administrative Segregation? A. I've worked numerous murders in Ad Seg. Q. Have there ever been escapes from Ad Seg? A. Yes, sir. Q. Approximately how many murders have occurred inside the prison system since you have been keeping records? MR. DURHAM: I'm going to object as to relevance, Your Honor; also would be hearsay reporting. As to whether it was a murder or not would depend upon the facts and circumstances, and it does not deviate between assaults on guards or prison personnel and upon personnel and people

VS	s. TRAVIS TREVINO RUNNELS	OČTOBER 27, 2005			
	Page 119		Page 121		
1	_	1			
2	A. There have been 138 murders, prosecutable murders,	2	CROSS-EXAMINATION		
3	inside the Texas penitentiaries since 1984.	3	BY MR. DURHAM:		
4	Q. (BY MR. SIMS) How many convicted capital murderers,	4	Q. Will you pronounce your last name for me where I		
5	if you are aware, have been involved in further murders?	5	don't mess it up.		
6	A. I don't know the exact number today.	6	A. Merillat.		
7	MR. DURHAM: Then I'm going to object to the	7	Q. Okay. I'm just going to refer to you as sir because		
8	response because it assumes by the very nature of the response	8	I'll mess up Merillat		
9	that there have been some.	9	A. That's fine either way.		
10	THE COURT: Sustained.	10	Q more often than not.		
11	MR. DURHAM: May I have an instruction for the	11	Okay. Now, as I understand it, you're with the		
12	jury to disregard?	12	Special Prosecution Unit?		
13	THE COURT: The jury is so instructed.	13	A. Yes, sir.		
14	Q. (BY MR. SIMS) Have capital murderers been known to	14	Q. Is that correct?		
15	commit murder in prison?	15	A. Yes, sir.		
16	A. Yes, sir.	16	Q. Okay. And it's your job to prosecute crimes that		
17	Q. You previously said that, hadn't you?	17	occur in prison?		
18	A. I believe I have said that.	18	A. Primarily, yes, sir.		
19	Q. I thought you had.	19	Q. So you're part of the prosecution team?		
20	MR. SIMS: Pass the witness, Your Honor.	20	A. Yes, sir.		
21	THE COURT: Let's just it's a quarter of	21	Q. So you don't ever testify for a defendant?		
22	12:00. I assume you've got some cross-examination of this	22	, , , , , , , , , , , , , , , , , , ,		
23	witness?	23	don't put me on the stand.		
24	MR. DURHAM: I do have a few questions, yes.	24	, , , , , , , , , , , , , , , , , , , ,		
25	THE COURT: Let's break until be back here	25	guess what you just said was no?		
	Page 120		Page 122		
1	at 1:15, please, folks.	1	A. That's correct.		
2	All folks out in the gallery need to remain	2	Q. So the answer to my question was no?		
3	seated, please.	3	A. That's correct.		
4	(Jury left the courtroom)	4	Q. Okay. All right. Now, I've got a couple of		
5	Okay. I need all members of the gallery there		questions on this when a capital murderer goes in, he's		
6	to remain seated until all the jurors have cleared the	6	classified as a 3, right?		
7	elevators.	7	A. Yes, sir.		
8	Gary, if you would come back in and tell them	8	Q. Okay. And anybody that has an aggravated offense or		
9	at that point.	9	has a sentence over 50 years is a 3?		
10	MR. YONTZ: Your Honor, may I	10	A. That's correct.		
11	THE COURT: Sir?	11	Q. All right. Is that without regard to any other		
12	MR. YONTZ: I just have one question for	i .	history?		
13	defense counsel. I gave them earlier State's Exhibits 26 and	13	A. No, sir, it's not it's not without regard to		
14	27, which are prior convictions. I don't know	14	Q. What I mean let me give you an example because I		
15	THE COURT: Inside what? Which was inside		really don't I'm not as familiar with your system as maybe		
1	what?	1	I could be or should be, and you need to educate me and the		
17	•		jury a little bit.		
18		18	Suppose that a man has been in prison for		
19	MR. YONTZ: Okay. Then what we need is, we		manslaughter or something and did a stint and then he's in		
ŀ	0 1		prison for 20 years for murder and he finishes that, and then		
21	THE COURT: Fine. Get me an order on it.		he commits a capital murder, so he's got he's going in with		
22	,		two prior offenses and a capital murder. Is he going to come		
23	1	i	in as a 3?		
24	(2.2000)	24	A. He is certainly going to come in as a G-3, yes, he		
25	THE COURT: Okay. Let's proceed.	25	is. You're talking about a brand new conviction, although		

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Page 123 Page 125 1 Q. So -- I'm sorry, I didn't mean to interrupt you. A. Absolutely. You could have someone who has a trusty 2 A. If he had prior convictions -- if I understand you 2 classification in Ad Seg. 3 correctly, say he came in for burglary, paroled, got out into Q. So -- all right. Now, in that regard, say you have 4 the free world, got convicted for a manslaughter, came back 4 a trusty that does something so outlandish, do you move them 5 in, paroled, went back out, came back in for a capital murder, 5 to G-2 or do -- or do you move them up the ladder or can they 6 jump from a trusty to 5? 6 yes, he's going to come back in as a G-3. The prison is not going to look at those A. You sure can, yes, sir. 8 previous convictions. They're going to start him with his 8 Q. You can go from trusty to 5? 9 capital case as a G-3, and then his behavior will determine A. That's correct. 10 what happens after that situation. 10 Q. Okay. Did you testify in that rape case of the Q. Okay. So y'all assume that his behavior is what 11 inmate in Wichita Falls? 12 you're going to look at from then on? 12 A. No, sir, I worked that case, I didn't testify in it. 13 A. Did you just say I assume that? 13 Q. Didn't testify for the plaintiff in that? 14 14 Q. No, the system assumes it. I'm not asking you to 15 assume that. I'm asking you about classifications. 15 Q. Now, you didn't hear Lieutenant Brown's testimony, A. No, sir, the system doesn't assume anything like 16 did you? 17 that. The system assigns that classification as a result of 17 A. No, sir. 18 an incident that happened in Texas not too long ago. There 18 Q. Okay. 19 was no G system before that incident. 19 MR. DURHAM: I'll pass the witness. 20 MR. DURHAM: Nonresponsive, objection. 20 REDIRECT EXAMINATION 21 THE COURT: Sustained. 21 BY MR. SIMS: 22 22 Q. For inmates housed in the high security -- the high A. Perhaps I don't understand your question. 23 Q. (BY MR. DURHAM) Well, let's move on. I'm probably 23 security I think is what you called it? 24 asking bad questions. 24 A. Yes, sir. 25 But there are provisions for people who are Q. Have there been acts of violence committed by those Page 124 Page 126 1 considered risks to be more than 3s; is that correct? 1 inmates --2 A. Yes, sir. Q. -- in prison? 3 Q. There is 4, which is higher than 3? 3 Have there been murders committed by those --A. That's correct. 4 5 O. And then you get into the Administration Segregation 5 A. Yes, sir. 6 categories? 6 Q. -- type classed inmates? 7 7 A. Yes, sir. A. Yes, sir. 8 MR. SIMS: Pass the witness, Your Honor. Q. Which have more than one level? 8 9 A. That's correct. 9 RECROSS-EXAMINATION Q. And you actually have a unit where you put people 10 BY MR. DURHAM: 10 11 whose behavior is extremely violent in -- in this new prison? 11 Q. In the high security, there have been murders 12 committed? A. Yes, sir, high security. 12 Q. And what prison is that? 13 A. Yes, sir. 13 Q. When was that? A. They're all over the state. They're at the larger 14 14 A. The Allred Unit in 2003, I believe the date was. 15 prisons. There's one here in Amarillo, they're in Livingston 15 16 and Gatesville, all over the state, Beeville. Q. Was that another prisoner? 16 Q. Where they have that to have that (sic)? 17 A. Yes, sir. 17 Q. So the guards failed to protect the other prisoner? 18 18 A. Sir? A. They did the best they could. Q. Where they -- where they are locked in a very --19 19 Q. I didn't say they didn't do their best, I said they 20 20 very -- a 5 level, I think you -- what did you call it? failed. Is that correct or incorrect? It happened? A. Well, it's called high security. It's not 21 22 A. Yes, it happened. 22 necessarily for 5s only, but it's for the ones who cannot be MR. DURHAM: Okay. No further questions. 23 23 managed in Ad Seg. It's a separate building. MR. SIMS: Nothing else, Your Honor. Q. Well, would you have somebody that is a G-1 that 24 THE COURT: Okay, you can step down, sir. 25 25 could end up in Ad Seg?

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1	Do you want this witness released?	1	MR. DURHAM: I'm sorry, that calls for
2	MR. DURHAM: No objection.	2	speculation and conclusions without proper predicate.
3	MR. SIMS: That will be fine.	3	THE COURT: Sustained.
4	THE COURT: You're free to go. Thanks a lot.	4	MR. DURHAM: May I have an instruction?
5		5	THE COURT: The jury is instructed to disregard
6	THE COURT: Call your next witness.	6	
1 7		7	Q. (BY MR. YONTZ) How has his loss affected your
8	Call Catherine Nall, Your Honor. Mr. Wright	8	family?
9	will be here in a few minutes.	9	MR. DURHAM: I think she can testify how the
10	THE COURT: Catherine who?	10	loss has affected her, but not other people.
11	MR. YONTZ: Catherine Nall.	11	THE COURT: Sustained.
12	THE COURT: Ms. Nall, come up, please. Come	12	Q. (BY MR. YONTZ) Are you familiar with the members of
13	right up and take a seat on the witness stand.	13	your family?
14	Once again, make yourself comfortable and move	14	A. Yes.
15	that mike around to wherever you need to so you're speaking	15	Q. Who all is in your immediate family?
16	into it.	16	A. My father is still living, my mother died of cancer
17	You're still under the same oath that I	17	about three months before Stanley was killed. I have another
18	administered to you previously.	18	sister, Margaret.
19	THE WITNESS: Yes, sir.	19	Q. Okay. What about your children?
20	CATHERINE NALL,	20	A. I have three children, all teenagers, and I'm
21	having been previously duly sworn, testified as follows:	21	married.
22	DIRECT EXAMINATION	22	Q. Your sister you have a sister; is that correct?
23	BY MR. YONTZ:	23	A. Yes, I have an older sister.
24	Q. Would you state your name for the record, please?	24	Q. Does she have children?
25	A. My name is Catherine Nall.	25	A. Yes, she has two. I have two nieces with her.
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1	Q. And Catherine, you testified previously in this	1	Q. How about Stanley, did he have children?
	case; is that correct?	2	A. No, Stanley was not married and he didn't have any
3	A. That's correct.	3	children.
4	Q. And at that time, you identified a photograph; is	4	Q. Have you had occasion since his death to meet with
5	that right?	5	family members at various occasions?
6	A. Yes, a photo of my brother.	6	A. Oh, yes.
7	Q. Is your brother older than you or younger?	7	Q. Has there been a difference in things since Stanley
8	A. He's my younger brother by about three years.	8	is not there?
9	Q. Okay. How old was he when he died?	9	A. Yes.
10	A. I'm sorry, I can't do the math.	10	Q. Can you explain that?
11	Q. Still a couple of years younger than you?	11	A. Stanley was incredibly family oriented. He made a
12	A. He's three years younger than me, yes.	12	huge effort to spend time with family. Anytime Margaret's
13	Q. And what type of person was he?	13	family or mine would come to Amarillo, Stanley would arrange
14	A. He was a wonderful person.	14	to have as much time off as possible to spend with us and the
15	Q. Can you give me some examples of what what you	15	kids, and he adored the children.
16	mean?	16	And we have a huge Thanksgiving dinner in
17	A. I think the best way that I can describe his	17	Dallas every year, and he was always there if it was at all
18	character to you is that I named my youngest son after	18	possible. And, of course, at the lake every year, we have a
19	Stanley, and I think when you share a family name with one of	19	bit of a family reunion. And, again, whoever could come would
20	your children, it's because that you hope when that child	20	be there, and Stanley was always there.
21	grows up, that they'll emulate that person and display their	21	Q. How has his death affected you?
22	characteristics and use them as a role model. I think that's	22	A. Well, I can't even come home without flying into the
23	one of the highest forms of praise that I can think of.		Amarillo airport and I drive past the prison and all of those
24	Q. Do you know what other people thought of him?		details of his death just crowd in on you and you can't get
25	A. He was well liked.	25	away from it, so I can't even come home without being vividly

Page 131 Page 133 DIRECT EXAMINATION 1 1 reminded of what happened. 2 2 BY MR. YONTZ: At Thanksgiving now, it's -- it's still a happy Q. Sir, would you state your name, please? 3 3 occasion. We enjoy having the family all together, but, of 4 A. Deputy Mike Wright. 4 course, I usually wind up in the kitchen cooking, and as I 5 Q. How are you employed, sir? 5 prepare those special dishes that were Stanley's favorites, 6 A. With the Potter County Sheriff's Office. 6 I'm crying in the deviled eggs and -- at the lake this year, 7 Q. In what capacity? 7 we had six children there from the different family groups, A. I work as an ID technician. One of the tasks I do 8 and not all together, but during the course of the days that 9 we were at the lake, each and every one of those children 9 is fingerprint comparisons. 10 Q. What's an ID technician? 10 found a time to come and talk with me, and the common thread A. We do several tasks, sir. We handle crime scenes, 11 in those conversations was is that the lake was just never 11 12 going to be the same. There was a big hole that Stanley left 12 we'll gather evidence. We specialize in processing evidence 13 behind. The kids just -- and, of course, the adults and 13 for latent fingerprints and then doing comparisons against a 14 everyone, we just -- we're still grieving. 14 possible suspect. 15 . MR. YONTZ: I have no other questions. 15 Q. Have you had any training in regard to fingerprints 16 and fingerprint comparison? 16 **CROSS-EXAMINATION** 17 A. Yes, sir, I have. 17 BY MR. DURHAM: Q. Can you explain that to the ladies and gentlemen? Q. Ms. Nall, you've suffered a terrible, terrible 18 18 19 A. Yes, sir. Fingerprint comparison, there are several 19 double loss. You're telling this jury your mother died just 20 three months before your brother was murdered? 20 schools available. I have been to two of them, the basic and 21 the intermediate, and they are conducted in Austin at the DPS 21 A. Yes, sir. Q. And so the void that she presented was exacerbated 22 academy by certified latent print examiners. And as I said, 22 23 I've been through the first two series and will continue on 23 by your brother's death, wasn't it? You have our deepest 24 sympathy and we hope -- I personally hope that you can get 24 after this as well. Q. Is that something that basically continues on 25 past the grieving, but you'll never get past your brother's Page 132 Page 134 1 throughout your career then, additional training? 1 memory. And I have no questions. 2 A. Yes, sir. 2 MR. YONTZ: Nothing further. 3 THE COURT: Okay. You can step down, Ms. Nall. 3 Q. Approximately how many fingerprints have you 4 compared? 4 MR. YONTZ: May she be excused, Your Honor? 5 MR. DURHAM: I have absolutely no objection. 5 A. Tens of thousands. Q. And in your job, you make fingerprint comparisons; THE COURT: Okay, you're free to go. Thank 6 6 7 is that correct? 7 you, ma'am. A. Yes, sir, I do. 8 MS. NALL: Does that mean I can stay in the 9 Q. What -- we say what type of comparisons do you do, courtroom, sir? 10 but what does that consist of? 10 THE COURT: Absolutely you can, sure. 11 MR. DURHAM: Under those circumstances, I don't A. To make a fingerprint comparison, you take either a 12 known fingerprint or a latent fingerprint, one that you've 12 agree to excuse. 13 developed off of a piece of evidence and you compare it THE COURT: Okay. All right. Ms. Nall, you'll 13 14 against another known print to look for similarities. You 14 need to step back outside, please, ma'am. 15 look for ridge characteristics, whether the ridges are going 15 MS. NALL: Yes, sir. 16 in a straight line and then break off into two, called a THE COURT: Call your next witness. 16 17 bifurcation, or whether they end all of a sudden, whether 17 MR. YONTZ: Michael Wright. 18 there's a small island. 18 THE COURT: Raise your right hand, please. 19 There's five basic characteristics that you 19 (Witness sworn) 20 look for, and you look for the same characteristics in the 20 THE COURT: Take a seat on the witness stand, 21 same place in your latent or your known against your other 21 please. 22 print that you're comparing to so that you can match them and 22 MICHAEL WRIGHT, 23 say that they are one and the same. 23 having been first duly sworn, testified as follows: Q. Okay. You lost me a little bit there. You started 24 25 talking about bifurcation --25

Page 135 Page 137 A. To compare them against what we call Pen Packets, 1 A. Yes, sir. 2 documents that talk about previous convictions of an 2 Q. -- and things like that. 3 Could you open the board behind you and show --3 individual, to see if the Pen Packet can match the 4 4 fingerprints of Mr. Runnels that I took today. A. Yes, sir. 5 Q. -- us what you're talking about when you say those Q. Okay. Are you familiar with that method of doing it 6 in Texas where you match known prints to the Pen Packets? 6 things? 7 7 You can erase that item that's on there. A. Yes, sir. Q. And referring to State's Exhibit 26, are you 8 A. Yes, sir. 9 familiar with that? When you talk about ridge characteristics, 10 there are certain characteristics that you look for. The 10 A. Yes, sir, I am. O. And when did you become familiar with that? 11 first thing you look for is general patterns, whether you've 11 12 got all of your ridges coming in in a general pattern that A. I believe I saw it once during pretrial, and then I 12 13 come in from one side, circle around, then go back out the 13 saw it again today, sir. 14 other. You might have some that are just almost like a little Q. Did you take that with you to make any comparisons? 14 15 whirl in there. I mean, you can have --15 A. Yes, sir, I did. MR. DURHAM: I'll stipulate he's a qualified 16 O. Can you explain to the ladies and gentlemen what you 16 17 did in making any comparison? 17 fingerprint examiner, if --MR. YONTZ: I'll accept the stipulation as to 18 A. As far as making comparisons, the first thing I do 18 19 his qualification. I just wanted a basic understanding of 19 is I look at all ten fingers, I look at the generic pattern of 20 it, whether it's a loop, whether it's a whirl, just to see if what we're looking at. 21 the pattern is similar from finger to finger, in which case MR. DURHAM: Then I go to relevance. 21 THE COURT: Overruled. 22 they were. If they are, then I will go on and do an actual --22 23 I will just pick a finger out and start finding exact ridge 23 MR. YONTZ: That's the underlying basis for 24 the --24 characteristics to come up with a match. Q. Okay. You've got a device in front of you there. 25 THE COURT: Overruled. Go ahead, just kind of 25 Page 136 Page 138 1 What is that? 1 hold it down a little bit. A. Yes, sir. That is a magnifying lens, sir. It just 2 MR. YONTZ: Okay. 3 makes it a little bit easier where I can go ahead and see a 3 A. As far as the characteristics go, if you have a 4 larger image of the fingerprint so I can make a determination 4 ridge that's coming up and then all of a sudden it breaks off 5 whether or not the details are the same. 5 into two, you can have a small dot, you can have if this one Q. Okay. On State's Exhibit No. 26, did you do that 6 closes back off. Each of these are certain characteristics 6 7 comparison? 7 that we look for and compare between one print and another to 8 see if they're the same, and not only in the same appearance, 8 A. Yes, sir, I did. 9 Q. And what did you conclude? 9 but the same place in the print. 10 A. That all ten fingers have the same basic pattern, Q. (BY MR. YONTZ) Sir, I'll show you what have been 11 and I used finger number four, which would be the right hand 11 marked -- or what is marked as State's Exhibit 60, State's 12 ring finger, and that is the one I compared against the known 12 Exhibit 26, and State's Exhibit 27. 13 set of prints that I took from Mr. Runnels, and I did Let's deal with State's Exhibit 60 first. Are 14 determine that it was a match, that the same person made both 14 you familiar with that item? 15 fingers - prints. A. Yes, sir. It is a set of fingerprints, a rolled set 16 Q. When you say a "match," how many points -- I guess 16 of fingerprints that I took from Mr. Runnels earlier this 17 the term is points of comparison? 17 afternoon. 18 A. Ridge characteristics, yes, sir. 18 O. And is that the exact card that you took them on? Q. Was there a specific number you were looking for? 19 19 A. Yes, sir, it is. A. No, sir. There is no set number. In this case, I 20 20 MR. YONTZ: Your Honor, we would at this time 21 had pretty clear fingerprints to work with and I stopped at 21 move State's Exhibit No. 60. 22 16. 22 MR. DURHAM: No objection. 23 Q. Sixteen points of --23 THE COURT: Exhibit is received. 24 A. Sixteen matching ridge characteristics, yes, sir, O. (BY MR. YONTZ) When you took those prints, what was 24 25 and no areas that showed characteristics on one that were not 25 the purpose in taking them?

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1 on the	e other, no discrepancies.	1	(2)
2	MR. YONTZ: Your Honor, we would move State's	2	
3 Exhib	pit 26 at this time.		would please return to the jury room.
4	MR. DURHAM: May I examine?	4	(Jury left the courtroom)
5	THE COURT: Sure.	5	MR. YONTZ: Your Honor, in this matter, I
6	MR. DURHAM: The exhibit, I mean.	1 -	believe what counsel is referring to are the back several
7	(Pause)	1	pages of this which contain items the first pages contain
8	MR. DURHAM: I have no objection to 26, Your	1	the actual fingerprints, as well as the judgment and sentence
9 Honor		ſ	in regard to this. If we would redact the item, remove the
10	THE COURT: Exhibit is received.		complained of items, I believe we would have the same result.
l .	(BY MR. YONTZ) Would you look at State's Exhibit	11	MR. DURHAM: If they make a Pen Pack out of it,
12 27, ple		i .	I will withdraw my objection, if they take off the
	Yes, sir.	1	disciplinary records, yes.
	Have you seen that previously?	14	MR. YONTZ: That's fine. That's in fact,
	Yes, sir.	15	that's what I'm offering to do.
	What is that?	16	MR. DURHAM: Well, then, that meets my
1 -	I'm not familiar with the actual form themselves.	l	objection.
1	were a set of fingerprints that I am familiar with. It	18	THE COURT: Okay. All right.
	to be a set of records of disciplinary actions that	19	MR. YONTZ: May I have just a moment with the
ł .	red while incarcerated.		
	And have you examined the fingerprints on that?	21	THE COURT: Sure.
1	Yes, sir, I did.	22	(Pause)
	And what conclusions did you reach in regard to	23	MR. DURHAM: Just a second here, Judge. No
24 that?	,	l	objection.
25 A.	On this particular one, again, the ten basic	25	THE COURT: Okay. That's 27?
	Page 140		Page 142
1 nattern	s were the same, and I used the finger number six,	1	MR. YONTZ: Yes, sir.
1 -	is left hand thumb, and made a match off of that one.	2	THE COURT: Okay. Bring them back in.
1	Okay. When you say you made a match off of that	3	(Jury returned to the courtroom)
-	hat do you mean?	4	THE COURT: Okay. State's Exhibit No. 27 is
	That means that I discovered enough points that were	5	received into evidence.
ľ	ne without any discrepancies that I felt comfortable in	6	MR. YONTZ: Your Honor, State's Exhibit 27
7 saying	that the fingers the prints were made by the same	7	having been admitted, I have no further questions.
8 person.	-	8	CROSS-EXAMINATION
_	Okay. And that would be the defendant?	9	BY MR. DURHAM:
10 A.	Yes, sir, Mr. Runnels.	10	Q. Deputy Wright, just a couple of questions. I guess
11	MR. YONTZ: We would move admission of State's	11	you're always right?
12 Exhibit	t No. 27.	12	A. In one manner, yes, sir, I guess so.
13	MR. DURHAM: I have objections to it.	13	Q. Now, the second question, is AFIS going to put you
14	THE COURT: Come up.	14	out of a job?
15	MR. DURHAM: May I approach? I have objections	15	A. No, sir, it will not.
16 outside	the presence or at the bench.	16	Q. Okay. Well, that is that one method of
17	THE COURT: Come up.	17	comparing?
18	(At the bench, on the record)	18	A. The method of using an AFIS system, it uses a
19	MR. DURHAM: These disciplinary records contain	19	computer-generated batch of algorithms
20 hearsay	statements that the declarant is not available. It's	20	Q. Uh-huh.
21 not adn	nissible for any purpose and I'll object to it. Also,	21	A formula, and it any results that we get from
22 you kno	ow, there's no way I can tell what period of time this		AFIS are still manually compared to give a valid comparison.
23 covers.			We don't just rely on a machine.
24	THE COURT: Okay. I need to take a look at it	24	Q. That's not the way they do it in CSI.
25 and see	o	25	A. Well, I'm sorry, sir.

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1	MR. DURHAM: No further questions.	1	
2	THE WITNESS: Yes, sir.	2	
3	MR. DURHAM: Thank you, sir.	3	presence of the jury you told me you've got something you want
4	MR. YONTZ: Your Honor, may I tender these to	1	to put in for the
5	the jury?	5	
6		6	
1 7	Okay. You may step down.	7	retain only and for the record later.
8		8	·
9		9	items that were deleted from State's Exhibit No. 27 at the
10		10	bench pursuant to counsel's objections. I have placed them in
11			a plastic binder and sealed the top of it, marked 27-A with
12	THE COURT: Okay, you're free to go.	1	the note that says, "Do not go to the jury."
13		13	THE COURT: Okay. 27-A is received for that
14	• •	14	-
15	•	15	• •
	Honor.	1	would tender Exhibit 6-A. That was the knife. That was the
17		ĺ	one that was identified just that one exhibit as opposed to
18	statement, I would like a short break.		all ten of them.
19		19	THE COURT: Oh, the first one you pulled out?
	minutes.	l	Okay. Any objection?
21	(Jury left the courtroom)	21	MR. DURHAM: No.
22	· · ·	22	THE COURT: All right. 6-A is received.
23	who's teaching a class, the class is over at 2:45. He's in	23	MR. YONTZ: Thank you.
		24	MR. DURHAM: I just question the wisdom of
	one witness that I need to confer with counsel about as to	25	sending six of sending ten knives back into the jury room
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,	whether or not I'm calling that witness.	1	in case they become deadlocked.
2	-	2	THE COURT: There's only one.
1 -	that are subpoenaed for tomorrow.	3	MR. DURHAM: Only one knife?
4	THE COURT: Well	4	THE COURT: Only 6-A is going back.
5	MR. DURHAM: Well, I moved it up from Monday to	5	MR. DURHAM: Just one knife?
6	tomorrow.	6	MR. YONTZ: Just one knife.
7	THE COURT: Okay. So at this point, you don't	7	MR. DURHAM: All right. Can we designate that
8	want to call anybody until 3:45?	8	for the foreman?
9	MR. DURHAM: No, I it depends on what	9	THE COURT: As soon as we determine who that
10	· · · · · · · · · · · · · · · · · · ·	10	will be.
11	as to whether or not we will call her.	11	MR. DURHAM: Very well.
12	THE COURT: Okay. Any way this witness can	12	THE COURT: Okay. Bring the jury in.
13	excuse himself for one afternoon and come up here, the one	13	(Jury returned to the courtroom)
14	that's being here at 3:45?	14	THE COURT: What says the defense?
15	MR. DURHAM: He's a teacher at WT. He's in	15	MR. DURHAM: Your Honor, the defendant elects
16	class right now.	16	to rest at this time.
17	THE COURT: That's been a long time ago, but I	17	THE COURT: What says the State?
18	recall a whole lot of them walking out of the courtroom when I	18	MR. SIMS: The State of Texas closes, Your
19	was there. [sic]	19	Honor.
20	MR. DURHAM: Well, I'll find out from	20	THE COURT: All right.
21	Ms. Garrison.	21	MR. DURHAM: We close.
22	THE COURT: Okay. All right. Well	22	THE COURT: Thank you. Members of the jury,
23	MR. DURHAM: I'll see if I can get him up here.		that is all the evidence you will hear in the trial of this
1.	THE COURT: see what we can work out.	24	case. I need to work with the lawyers this afternoon to get
24			the Charge of the Court that I will read to you correct, so I

## THE STATE OF JETA SBR Document 84-3 MPHE POST 17/13 Page 42 of TBI AL QNOTHE MERITS VS. TRAVIS TREVINO RUNNELS OCTOBER 27, 2005

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1	will recess now and let you go home and we'll work on the	1	THE COURT: Yeah.
2	2 charge.	2	MS. HAMILTON: I think it should.
3	The lawyers I will read the charge to you	3	THE COURT: Well, Paragraph 9 doesn't have I
4	beginning at nine o'clock in the morning. When I finish, then	4	mean, what it tells them to think about there doesn't have
5	5 the lawyers will make their closing argument.	5	anything to do with the question they're asked, does it?
6	It is important now that you have heard all of	6	MR. OWEN: Which paragraph, Your Honor?
7	the evidence that you not pay any mind to any media report	7	MS. HAMILTON: Nine.
8	whatsoever, just like I previously told you. I would prefer	8	THE COURT: Nine.
9	that you just simply did not watch the local news at all, that	9	MR. OWEN: The parole instruction?
10	you not listen to radio at all until we get back here, and	10	THE COURT: I'm sorry?
1	have someone else go through the newspaper and delete any	11	MR. OWEN: The parole instruction?
	articles that may be found in there.	12	MS. HAMILTON: That's not 9.
13	•	13	THE COURT: IX.
14	in a shoebox to read them later, that's fine, but certainly	14	THE REPORTER: Do you want this on the record?
	not before your deliberations have concluded in this case.	15	THE COURT: No.
16		16	(Off the record)
	each other out somewhere between now and tomorrow that you not	17	(10/27/05 proceedings adjourned)
	discuss anything about this case. No deliberations should	18	
1	take place at all unless all 12 of you and tomorrow I will	19	i
	after the argument, I'll release the two alternate jurors	20	
	until you are in the jury room and deliberating upon your	21	
	verdict. You just simply cannot do that, and I'm trusting you	22	
23		23	
24		24	
1	a hotel and I don't know that there are any that will hold 14	25	
F	-		
١.	Page 148		Page 150
	folk right now. And I know you don't want to do that, too,		THE STATE OF TEXAS )
	right?		
3	5		COUNTY OF POTTER )
4			
5	j		I, JILL ZIMMER, Official Court Reporter in and for the
6	, 1		
1	morning. All these things will go in with you.		320th District Court of Potter County, State of Texas, do
8	` •		
9	•		hereby certify that the above and foregoing contains a true
10	· ·		and correct transcription of the proceedings in the above-
11	MR. DURHAM: Ms. Hamilton will represent our		styled and numbered cause, all of which occurred in open court
1	interest.		or in chambers and were reported by me.
13	` ′		I FURTHER CERTIFY that this transcription of the record
14			of the proceedings truly and correctly reflects exhibits, if
١.	moment? I need to get another copy of the charge.		any, offered by the respective parties.
16	` ′		WITNESS my hand this the day of
17	THE COURT: Okay. Nine is the paragraph,		, 2006.
1	correct?		
19			JILL ZIMMER
20			Official Court Reporter
21	MR. SIMS: He only brought two copies up here,		Certificate Number 533
22	<u> </u>		Expiration Date: 12-31-2006
23	THE COURT: Okay. All right.		Potter County Courts Building
24	, , ,		Amarillo, Texas 79101
125	be in there at all?		(806) 379-2372

THE STATE OF TEXAS )
COUNTY OF POTTER )

I, JILL ZIMMER, Official Court Reporter in and for the 320th District Court of Potter County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of the proceedings in the abovestyled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I FURTHER CERTIFY that this transcription of the record of the proceedings truly and correctly reflects exhibits, if any, offered by the respective parties.

WITNESS my hand this the day

2006.

JILL ZIMMER

Official Court Reporter Certificate Number 533 Expiration Date: 12-31-2006 Potter County Courts Building Amarillo, Texas 79101 (806) 379-2372